

Bill No. SB 1270

Barcode 313742    Comm: RCS    03/28/2007 02:01 PM

589-2100A-07

Proposed Committee Substitute by the Committee on Higher  
Education

1                                    A bill to be entitled

2            An act relating to education; amending s.

3            20.055, F.S.; revising a definition; amending

4            s. 20.15, F.S.; deleting the Division of

5            Colleges and Universities in the Department of

6            Education; requiring the State Board of

7            Education and the Commissioner of Education to

8            consult with certain educational entities;

9            requiring the department to provide certain

10          support services to the Board of Governors of

11          the State University System; creating s.

12          20.155, F.S., relating to the Board of

13          Governors; providing for certain rights and

14          privileges, the head of the board, personnel,

15          certain powers and duties, and an Office of

16          Inspector General; amending s. 23.21, F.S.,

17          relating to definitions for purposes of

18          paperwork reduction; updating terminology;

19          amending s. 110.131, F.S., relating to

20          other-personal-services temporary employment;

21          updating terminology; amending s. 110.181,

22          F.S., relating to the Florida State Employees'

23          Charitable Campaign; conforming a

24          cross-reference; amending s. 112.0455, F.S.,

25          relating to the Drug-Free Workplace Act;

26          deleting obsolete provisions; amending s.

27          112.19, F.S., relating to death benefits for

28          certain officers; updating terminology;

29          amending s. 112.191, F.S., relating to death

30          benefits for firefighters; updating

31          terminology; amending s. 112.313, F.S.,

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1 relating to standards of conduct; revising  
2 definition of "employee" to include provosts;  
3 updating terminology; amending s. 112.3135,  
4 F.S., relating to restriction on employment of  
5 relatives; updating terminology; amending s.  
6 112.3145, F.S., relating to disclosure of  
7 financial interests and clients represented  
8 before agencies; updating terminology; amending  
9 s. 120.52, F.S., relating to definitions for  
10 purposes of the Administrative Procedure Act;  
11 revising definition of "agency" to include the  
12 Board of Governors and state university boards  
13 of trustees under certain circumstances;  
14 revising definition of "educational unit";  
15 amending s. 120.65, F.S.; including the Board  
16 of Governors in the list of entities that must  
17 reimburse the Division of Administrative  
18 Hearings for certain services and travel  
19 expenses; amending s. 121.021, F.S., relating  
20 to definitions for purposes of the Florida  
21 Retirement System; updating terminology;  
22 amending s. 121.35, F.S., relating to the  
23 optional retirement program for the State  
24 University System; transferring authority from  
25 the State Board of Education to the Board of  
26 Governors; updating terminology and provisions;  
27 amending s. 159.703, F.S., relating to creation  
28 of research and development authorities;  
29 updating terminology and an effective date;  
30 amending s. 159.704, F.S., relating to research  
31 and development authorities; updating

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1 terminology; amending s. 159.706, F.S.;

2 including research and development authorities

3 designated by the Board of Regents in a

4 grandfather clause; amending s. 211.3103, F.S.,

5 relating to distribution of the tax levy on

6 severance of phosphate rock; updating

7 terminology; amending s. 215.16, F.S., relating

8 to appropriations from the General Revenue

9 Fund; deleting unnecessary language; amending

10 s. 215.32, F.S., relating to segregation of

11 trust funds; including trust funds under the

12 management of the Board of Governors; amending

13 s. 215.559, F.S., relating to the Hurricane

14 Loss Mitigation Program; deleting obsolete

15 terminology; conforming cross-references;

16 amending s. 215.82, F.S., relating to

17 validation of bonds; conforming a

18 cross-reference; amending s. 216.0152, F.S.,

19 relating to inventory of facilities; updating

20 terminology; amending s. 216.251, F.S.,

21 relating to salary appropriations; deleting

22 reference to the State Board of Education with

23 respect to State University System positions;

24 amending s. 220.15, F.S., relating to

25 apportionment of adjusted federal income;

26 updating terminology; amending s. 250.10, F.S.;

27 providing duties of the Board of Governors in

28 cooperation with the Adjutant General and the

29 State Board of Education; amending s. 253.381,

30 F.S., relating to the sale of unsurveyed

31 marshlands; deleting reference to the State

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1 Board of Education; amending s. 255.02, F.S.,  
 2 relating to boards authorized to replace  
 3 buildings destroyed by fire; deleting obsolete  
 4 terminology; amending s. 255.043, F.S.,  
 5 relating to art in state buildings; deleting  
 6 obsolete terminology; amending s. 255.102,  
 7 F.S.; requiring the Board of Governors to  
 8 collaborate in the adoption of rules for  
 9 contractor compliance with minority business  
 10 participation; amending s. 280.02, F.S.;  
 11 revising definition of "public deposit" to  
 12 include moneys of a state university; amending  
 13 s. 286.001, F.S., relating to statutorily  
 14 required reports; updating terminology;  
 15 amending s. 287.064, F.S., relating to  
 16 consolidated financing of deferred-payment  
 17 purchases; conforming a cross-reference;  
 18 amending s. 287.155, F.S., relating to purchase  
 19 of motor vehicles; updating terminology;  
 20 amending s. 288.15, F.S.; adding the Board of  
 21 Governors to the list of entities authorized to  
 22 cooperate with the Division of Bond Finance;  
 23 amending s. 288.17, F.S., relating to revenue  
 24 certificates; updating terminology; amending s.  
 25 288.705, F.S.; updating terminology; amending  
 26 s. 288.7091, F.S.; requiring the Florida Black  
 27 Business Investment Board to develop memoranda  
 28 of understanding with the Board of Governors;  
 29 amending s. 288.8175, F.S.; requiring a linkage  
 30 institute to be governed by an agreement  
 31 between the Board of Governors and the State

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1 Board of Education; amending s. 295.07, F.S.,  
2 relating to preference in appointment and  
3 retention for veterans; including certain  
4 equivalent positions; amending s. 320.08058,  
5 F.S., relating to specialty license plates;  
6 updating terminology; amending s. 334.065,  
7 F.S.; updating terminology; amending s.  
8 377.705, F.S.; updating terminology; amending  
9 s. 381.79, F.S., relating to the Brain and  
10 Spinal Cord Injury Program Trust Fund; updating  
11 terminology; amending s. 388.43, F.S.; updating  
12 terminology; amending s. 403.073, F.S.,  
13 relating to pollution prevention; updating  
14 terminology; amending s. 403.074, F.S.,  
15 relating to technical assistance by the  
16 Department of Environmental Protection;  
17 updating terminology; amending s. 409.908,  
18 F.S., relating to reimbursement of Medicaid  
19 providers; updating terminology; amending s.  
20 413.051, F.S., relating to blind persons  
21 eligible to operate vending stands; updating  
22 terminology; amending s. 447.203, F.S.;  
23 designating the Board of Governors, or the  
24 board's designee, as the public employer and  
25 legislative body with respect to public  
26 employees of state universities; revising  
27 definition of "legislative body" to conform;  
28 amending s. 455.2125, F.S., relating to  
29 adoption of changes to training requirements;  
30 updating terminology; amending s. 456.028,  
31 F.S., relating to adoption of changes to

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1 training requirements; updating terminology;  
2 amending s. 464.0196, F.S., relating to nurse  
3 educator appointments; prescribing appointing  
4 authorities for the Florida Center for Nursing  
5 board; amending s. 489.103, F.S., relating to  
6 exemptions for purposes of construction  
7 contracting; updating terminology; amending s.  
8 489.503, F.S., relating to exemptions for  
9 purposes of electrical and alarm system  
10 contracting; updating terminology; amending s.  
11 553.71, F.S., relating to definitions for  
12 purposes of the Florida Building Code;  
13 conforming terminology relating to education  
14 boards; amending s. 633.01, F.S., relating to  
15 the State Fire Marshal; conforming  
16 cross-references; amending s. 650.03, F.S.,  
17 relating to federal-state agreement; updating  
18 terminology; amending s. 943.1755, F.S.,  
19 relating to the Florida Criminal Justice  
20 Executive Institute; updating terminology;  
21 amending s. 1000.01, F.S.; providing for  
22 certain transfers; amending s. 1000.03, F.S.,  
23 relating to the function, mission, and goals of  
24 the Florida K-20 education system; deleting  
25 duplicative provisions; limiting oversight  
26 authority over state university matters to the  
27 Board of Governors; amending s. 1000.05, F.S.;  
28 assigning responsibilities for implementation  
29 of equal opportunity policies to the  
30 Commissioner of Education and State Board of  
31 Education and to the Board of Governors;

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1 limiting the functions of the Office of Equal  
2 Educational Opportunity to those relating to  
3 school districts and community colleges;  
4 amending s. 1000.21, F.S.; defining "Board of  
5 Governors" as used in the education code;  
6 amending s. 1001.02, F.S.; revising powers and  
7 duties of the State Board of Education to  
8 include working in consultation with the Board  
9 of Governors on certain matters; providing for  
10 exceptions; deleting certain responsibilities  
11 relating to state universities; revising  
12 reporting requirements relating to financial  
13 aid; conforming provisions; amending s.  
14 1001.03, F.S.; providing exceptions regarding  
15 State Board of Education enforcement authority;  
16 requiring working in conjunction with the Board  
17 of Governors on certain matters; deleting State  
18 Board of Education review of state university  
19 academic programs; amending s. 1001.10, F.S.;  
20 providing duties of the Commissioner of  
21 Education relating to expenditures of the Board  
22 of Governors in the K-20 budget; revising  
23 reporting requirements; amending s. 1001.11,  
24 F.S.; requiring annual reporting by the  
25 Commissioner of Education; conforming  
26 provisions; amending s. 1001.20, F.S.;  
27 transferring responsibilities regarding  
28 determination of need for investigations of  
29 state universities by the Office of Inspector  
30 General; amending s. 1001.28, F.S.; providing  
31 that Department of Education distance learning

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1 duties do not alter duties of the Board of  
2 Governors; amending s. 1001.64, F.S., relating  
3 to powers and duties of community college  
4 boards of trustees; conforming a  
5 cross-reference; amending s. 1001.70, F.S.;  
6 providing authority of the Board of Governors;  
7 authorizing travel and per diem; creating s.  
8 1001.706, F.S., relating to powers and duties  
9 of the Board of Governors; providing for  
10 rulemaking; providing powers and duties  
11 relating to organization and operation of state  
12 universities, finance, accountability,  
13 personnel, property, compliance with laws and  
14 rules, and cooperation with other education  
15 boards; prohibiting assessment of a fee on  
16 universities; amending s. 1001.71, F.S.;  
17 providing that the university boards of  
18 trustees are part of the executive branch of  
19 state government; deleting certain board member  
20 requirements; amending s. 1001.72, F.S.,  
21 relating to university boards of trustees  
22 acting as corporations; amending s. 1001.73,  
23 F.S., relating to university boards acting as  
24 trustees; transferring responsibilities of the  
25 State Board of Education to the Board of  
26 Governors; subjecting agreements to  
27 requirements for the issuance of bonds and  
28 debt; amending s. 1001.74, F.S.; revising  
29 powers and duties of university boards of  
30 trustees relating to general provisions for  
31 responsibility, organization and operation of



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1 state universities, finance, accountability,  
 2 personnel, property, and compliance with laws  
 3 and rules; amending s. 1002.35, F.S.; requiring  
 4 the State Board of Education to work in  
 5 conjunction with the Board of Governors  
 6 regarding assignment of a university partner to  
 7 the New World School of the Arts; updating  
 8 terminology; amending s. 1002.41, F.S.,  
 9 relating to home education programs; conforming  
 10 provisions; amending s. 1004.03, F.S.;  
 11 transferring responsibilities for approval of  
 12 new programs at state universities from the  
 13 State Board of Education to the Board of  
 14 Governors; amending s. 1004.04, F.S., relating  
 15 to accountability and approval for teacher  
 16 preparation programs; including the Board of  
 17 Governors as a report recipient; amending s.  
 18 1004.07, F.S., relating to student withdrawal  
 19 from courses due to military service; providing  
 20 for rules by the State Board of Education and  
 21 Board of Governors; amending s. 1004.21, F.S.;  
 22 removing legislative intent regarding state  
 23 universities; providing that state universities  
 24 are part of the executive branch of state  
 25 government and administered by a board of  
 26 trustees; amending s. 1004.22, F.S., relating  
 27 to divisions of sponsored research at state  
 28 universities; providing for guidelines of the  
 29 Board of Governors; transferring  
 30 responsibilities from the State Board of  
 31 Education to the Board of Governors; amending

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1 s. 1004.24, F.S.; transferring responsibilities  
2 relating to securing liability insurance from  
3 the State Board of Education to the Board of  
4 Governors or the board's designee; amending s.  
5 1004.28, F.S.; transferring responsibilities  
6 relating to duties of direct-support  
7 organizations from the State Board of Education  
8 to the Board of Governors; defining "property";  
9 providing for rules; subjecting certain  
10 agreements to requirements for issuance of  
11 bonds and debt; amending s. 1004.29, F.S.;  
12 transferring responsibilities relating to  
13 university health services support  
14 organizations from the State Board of Education  
15 to the Board of Governors; providing for rules;  
16 amending s. 1004.35, F.S.; including the Board  
17 of Governors in consultations regarding  
18 coordination of course offerings; amending s.  
19 1004.36, F.S.; transferring responsibilities  
20 relating to comprehensive master plans from the  
21 State Board of Education to the Board of  
22 Governors; amending s. 1004.39, F.S.;  
23 transferring responsibilities relating to the  
24 college of law at Florida International  
25 University from the State Board of Education to  
26 the Board of Governors; deleting obsolete  
27 provisions; amending s. 1004.40, F.S.;  
28 transferring responsibilities relating to the  
29 college of law at Florida Agricultural and  
30 Mechanical University from the State Board of  
31 Education to the Board of Governors; deleting

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1        obsolete provisions; amending s. 1004.41, F.S.,  
2        relating to the J. Hillis Miller Health Center  
3        at the University of Florida; authorizing the  
4        University of Florida Board of Trustees to  
5        utilize certain revenues; amending s. 1004.43,  
6        F.S.; transferring responsibilities relating to  
7        the H. Lee Moffitt Cancer Center and Research  
8        Institute from the State Board of Education to  
9        the Board of Governors; amending s. 1004.435,  
10       F.S.; transferring responsibilities relating to  
11       cancer control from the State Board of  
12       Education to the Board of Governors; revising  
13       membership of the Florida Cancer Control and  
14       Research Council; amending s. 1004.445, F.S.;  
15       transferring responsibilities relating to the  
16       Johnnie B. Byrd, Sr., Alzheimer's Center and  
17       Research Institute from the State Board of  
18       Education to the Board of Governors; amending  
19       s. 1004.447, F.S.; requiring annual reporting  
20       to the Board of Governors; amending s. 1004.47,  
21       F.S.; updating terminology relating to solid  
22       and hazardous waste management research;  
23       amending s. 1004.58, F.S.; including the Board  
24       of Governors as a report recipient; providing  
25       for the Chancellor of the State University  
26       System to serve as a member of the board and to  
27       staff the board; amending s. 1005.03, F.S.,  
28       relating to the designation "college" or  
29       "university"; deleting obsolete terminology;  
30       amending s. 1005.06, F.S., relating to  
31       institutions not under the jurisdiction of the

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1 Commission for Independent Education; deleting  
2 obsolete terminology; amending s. 1005.22,  
3 F.S.; removing an obsolete reference; amending  
4 s. 1006.53, F.S.; removing references to State  
5 Board of Education rules for religious  
6 observances; amending s. 1006.60, F.S.;  
7 including rules of the Board of Governors  
8 relating to codes of conduct; amending s.  
9 1006.61, F.S.; including policies of the Board  
10 of Governors relating to disruptive student  
11 activities; amending s. 1006.62, F.S.;  
12 including rules of the Board of Governors  
13 relating to expulsion and discipline of  
14 students; amending s. 1006.65, F.S.; requiring  
15 the Board of Governors to adopt rules for state  
16 universities relating to safety issues;  
17 amending s. 1006.71, F.S., relating to gender  
18 equity in intercollegiate athletics;  
19 transferring responsibilities relating to state  
20 universities from the Commissioner of Education  
21 and State Board of Education to the Chancellor  
22 of the State University System and Board of  
23 Governors; adding the Legislature to the list  
24 of recipients of annual assessments; amending  
25 s. 1007.01, F.S.; requiring recommendations to  
26 the Legislature relating to articulation;  
27 amending s. 1007.22, F.S.; encouraging boards  
28 to establish programs to maximize articulation;  
29 amending s. 1007.23, F.S.; requiring the State  
30 Board of Education in consultation with the  
31 Board of Governors to establish in rule a

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1 statewide articulation agreement; revising  
2 provisions relating to admissions; amending s.  
3 1007.24, F.S., relating to the statewide course  
4 numbering system; requiring the Commissioner of  
5 Education in conjunction with the chancellor,  
6 to perform certain duties; requiring the  
7 Department of Education in conjunction with the  
8 Board of Governors to perform certain duties;  
9 requiring the State Board of Education to  
10 approve course level with input from the Board  
11 of Governors; amending s. 1007.25, F.S.,  
12 relating to general education courses, common  
13 prerequisites, and other degree requirements;  
14 transferring responsibilities relating to state  
15 universities from the State Board of Education  
16 to the Board of Governors; amending s.  
17 1007.2615, F.S., relating to acceptance of  
18 American Sign Language credits as foreign  
19 language credits; conforming provisions;  
20 amending s. 1007.262, F.S., relating to foreign  
21 language competence and equivalence  
22 determinations; conforming provisions;  
23 providing an exemption; amending s. 1007.264,  
24 F.S., relating to admission of impaired and  
25 learning disabled persons to postsecondary  
26 educational institutions; transferring  
27 responsibilities relating to state universities  
28 from the State Board of Education to the Board  
29 of Governors; amending s. 1007.265, F.S.,  
30 relating to graduation, study program  
31 admission, and upper-division entry for

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1           impaired and learning disabled persons;  
2           transferring responsibilities relating to state  
3           universities from the State Board of Education  
4           to the Board of Governors; amending s. 1007.27,  
5           F.S., relating to articulated acceleration  
6           mechanisms and the statewide articulation  
7           agreement; conforming provisions; deleting  
8           obsolete provisions; amending s. 1007.28, F.S.;  
9           transferring requirement for establishment and  
10          maintenance of a computer-assisted student  
11          advising system from the State Board of  
12          Education to the Department of Education in  
13          conjunction with the Board of Governors;  
14          requiring the State Board of Education and the  
15          Board of Governors to specify roles and  
16          responsibilities relating to the system;  
17          amending s. 1007.33, F.S., relating to  
18          site-determined baccalaureate degree access;  
19          conforming provisions; amending s. 1008.29,  
20          F.S., relating to the college-level  
21          communication and mathematics skills  
22          examination (CLAST); requiring the State Board  
23          of Education in conjunction with the Board of  
24          Governors to establish minimum passing scores  
25          and identify coursework to satisfy testing  
26          requirements; authorizing the Board of  
27          Governors to set certain examination fees;  
28          amending s. 1008.30, F.S., relating to common  
29          placement testing; requiring public  
30          postsecondary educational institutions to  
31          provide certain modifications for students with

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1 disabilities; requiring the State Board of  
2 Education in conjunction with the Board of  
3 Governors to specify certain  
4 college-preparatory requirements; amending s.  
5 1008.32, F.S.; limiting State Board of  
6 Education oversight enforcement authority to  
7 school districts and community colleges and  
8 their respective boards; amending s. 1008.345,  
9 F.S.; conforming provisions relating to  
10 implementation of the state system of school  
11 improvement and education accountability;  
12 requiring State Board of Education and Board of  
13 Governors approval of CLAST skills and certain  
14 assessments; including the Board of Governors  
15 as a recipient of certain information; amending  
16 s. 1008.37, F.S., relating to postsecondary  
17 feedback of information to high schools;  
18 removing State Board of Education rulemaking;  
19 requiring the Commissioner of Education to  
20 report to the Board of Governors; amending s.  
21 1008.38, F.S., relating to the articulation  
22 accountability process; requiring the State  
23 Board of Education in conjunction with the  
24 Board of Governors to establish an articulation  
25 accountability process; amending s. 1008.45,  
26 F.S., relating to the community college  
27 accountability process; conforming provisions;  
28 amending s. 1008.46, F.S.; transferring  
29 responsibilities relating to the state  
30 university accountability process from the  
31 State Board of Education to the Board of

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1           Governors; amending s. 1009.01, F.S.; revising  
2           definition of "out-of-state fee"; amending s.  
3           1009.21, F.S., relating to determination of  
4           resident status for tuition purposes; modifying  
5           State Board of Education rulemaking;  
6           authorizing rulemaking by the Board of  
7           Governors; amending s. 1009.24, F.S.; revising  
8           provisions relating to state university tuition  
9           and fees; providing guidelines and requirements  
10          for the establishment of fees and fines;  
11          updating terminology; providing that a state  
12          university may not charge any fee except as  
13          specifically authorized by law; amending s.  
14          1009.26, F.S.; transferring responsibilities  
15          relating to state university fee waivers from  
16          the State Board of Education to the Board of  
17          Governors; authorizing university boards of  
18          trustees to waive tuition and out-of-state fees  
19          under certain conditions; amending s. 1009.27,  
20          F.S., relating to deferral of fees; removing  
21          State Board of Education rulemaking; amending  
22          s. 1009.285, F.S., relating to fees for  
23          repeated enrollment in college-credit courses;  
24          deleting reference to definitions and fee  
25          levels established by the State Board of  
26          Education; amending s. 1009.29, F.S., relating  
27          to increased fees for funding financial aid  
28          programs; correcting a reference; amending s.  
29          1009.40, F.S., relating to general requirements  
30          for student eligibility for state financial  
31          aid; conforming provisions relating to tuition



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1 assistance grants; amending s. 1009.90, F.S.;

2 including the Board of Governors with respect

3 to Department of Education duties relating to

4 student financial aid; amending s. 1009.91,

5 F.S.; requiring state university student loan

6 information to be reported annually to the

7 Board of Governors; amending s. 1009.971, F.S.,

8 relating to the Florida Prepaid College Board;

9 updating terminology; amending s. 1010.01,

10 F.S., relating to uniform records and accounts;

11 transferring responsibilities relating to state

12 universities from the State Board of Education

13 to the Board of Governors; requiring a uniform

14 classification of accounts; amending s.

15 1010.01, F.S.; requiring state universities to

16 file financial statements; amending s.

17 1010.011, F.S.; revising a definition for

18 purposes of financial matters; amending s.

19 1010.02, F.S., relating to financial accounting

20 and expenditure; transferring responsibilities

21 relating to state universities from the State

22 Board of Education to the Board of Governors;

23 amending s. 1010.04, F.S., relating to

24 purchasing; transferring responsibilities

25 relating to state universities from the State

26 Board of Education to the Board of Governors;

27 amending s. 1010.07, F.S., relating to bonds

28 and insurance; transferring responsibilities

29 relating to state universities from the State

30 Board of Education to the Board of Governors;

31 amending s. 1010.09, F.S., relating to

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1 direct-support organizations; transferring  
2 responsibilities relating to state universities  
3 from the State Board of Education to the Board  
4 of Governors; amending s. 1010.30, F.S.,  
5 relating to audits; transferring supervision of  
6 state universities from the State Board of  
7 Education to the Board of Governors; amending  
8 s. 1010.86, F.S.; transferring administration  
9 of trust funds from the State Board of  
10 Education to the Board of Governors; amending  
11 s. 1011.01, F.S.; transferring budget  
12 responsibilities relating to state universities  
13 from the State Board of Education to the Board  
14 of Governors; requiring coordination; amending  
15 s. 1011.011, F.S.; requiring the State Board of  
16 Education in conjunction with the Board of  
17 Governors to submit legislative capital outlay  
18 budget requests for state universities;  
19 amending s. 1011.40, F.S.; transferring state  
20 university budget responsibilities from the  
21 State Board of Education to the Board of  
22 Governors; amending s. 1011.41, F.S.; requiring  
23 compliance with certain tuition and fee  
24 policies for receipt of state university  
25 appropriations; amending s. 1011.4106, F.S.;  
26 providing requirements for the expenditure of  
27 tuition and fee revenues from local accounts;  
28 providing for deposit into the State Treasury  
29 under certain conditions; amending s. 1011.411,  
30 F.S., relating to budgets for sponsored  
31 research at universities; conforming a

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1 cross-reference; amending s. 1011.48, F.S.;

2 transferring responsibilities for educational

3 research centers for child development from the

4 State Board of Education to the Board of

5 Governors; amending s. 1011.82, F.S., relating

6 to requirements for participation in the

7 Community College Program Fund; conforming a

8 cross-reference; amending s. 1011.90, F.S.;

9 transferring state university funding

10 responsibilities from the State Board of

11 Education to the Board of Governors; amending

12 s. 1011.91, F.S.; transferring certain

13 responsibilities relating to additional

14 appropriations; amending s. 1012.01, F.S.;

15 limiting definitions for purposes of personnel;

16 amending s. 1012.80, F.S.; transferring

17 responsibilities relating to employee

18 disruptive activities at state universities

19 from the State Board of Education to the Board

20 of Governors; amending s. 1012.801, F.S.,

21 relating to State University System employees;

22 updating terminology; amending s. 1012.93,

23 F.S.; authorizing evaluation of faculty

24 proficiency in English through a test approved

25 by the Board of Governors; amending s. 1012.98,

26 F.S.; deleting obsolete provisions relating to

27 professional development programs; amending s.

28 1013.01, F.S.; excluding the Board of Governors

29 from the definition of "board" for purposes of

30 educational facilities; amending s. 1013.02,

31 F.S.; transferring rulemaking authority

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1 relating to state university educational  
2 facilities from the State Board of Education to  
3 the Board of Governors; amending s. 1013.03,  
4 F.S.; providing functions of the Board of  
5 Governors relating to state university  
6 educational facilities; revising provisions  
7 relating to submission of data; deleting  
8 obsolete provisions; amending s. 1013.11, F.S.;  
9 providing for the Chancellor of the State  
10 University System to receive reports; amending  
11 s. 1013.12, F.S.; requiring state university  
12 firesafety inspections to comply with rules of  
13 the Board of Governors; revising recipients of  
14 an annual report; amending s. 1013.15, F.S.;  
15 subjecting lease or lease-purchase agreements  
16 to requirements for issuance of bonds and debt;  
17 amending s. 1013.16, F.S.; subjecting leases  
18 executed by a university board of trustees to  
19 requirements for issuance of bonds and debt;  
20 amending s. 1013.17, F.S.; transferring  
21 responsibilities relating to university leasing  
22 in affiliated research and development parks  
23 from the State Board of Education to the Board  
24 of Governors; subjecting leases to requirements  
25 for issuance of bonds and debt; amending s.  
26 1013.171, F.S.; authorizing each university  
27 board of trustees to enter into certain lease  
28 agreements; transferring systemwide strategic  
29 plan adoption responsibilities from the State  
30 Board of Education to the Board of Governors;  
31 subjecting agreements to requirements for

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1 issuance of bonds and debt; amending s.  
2 1013.19, F.S.; subjecting certain contracts  
3 executed by a university board of trustees to  
4 requirements for the issuance of bonds and  
5 debt; amending s. 1013.25, F.S.; requiring  
6 approval of the Administration Commission to  
7 exercise the power of eminent domain; amending  
8 s. 1013.28, F.S.; requiring state university  
9 disposal of property according to rules of the  
10 Board of Governors or the Board of Trustees for  
11 the Florida School for the Deaf and the Blind;  
12 amending s. 1013.31, F.S.; providing Department  
13 of Education duties relating to educational  
14 plant surveys and PECO funding; removing State  
15 Board of Education rulemaking; updating  
16 terminology and making technical changes;  
17 requiring approval of state university  
18 educational plant surveys by the Board of  
19 Governors; amending s. 1013.46, F.S.; deleting  
20 State Board of Education rulemaking for  
21 prequalification of bidders; amending s.  
22 1013.47, F.S.; including rules of the Board of  
23 Governors with respect to contracts for  
24 construction of educational facilities;  
25 amending s. 1013.52, F.S.; requiring the Board  
26 of Governors' or the Chancellor of the State  
27 University System's review and approval for  
28 state university joint-use facilities  
29 proposals; amending s. 1013.60, F.S.; requiring  
30 that state university capital outlay budget  
31 request information be approved by the Board of

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1           Governors prior to submission to the  
2           Commissioner of Education; amending s. 1013.64,  
3           F.S.; transferring responsibilities for state  
4           university funds for comprehensive educational  
5           plant needs from the State Board of Education  
6           to the Board of Governors; amending s. 1013.65,  
7           F.S.; requiring copies of capital outlay  
8           allocations to be provided to the Board of  
9           Governors; amending s. 1013.74, F.S.;  
10          transferring responsibilities relating to state  
11          university fixed capital outlay projects from  
12          the State Board of Education to the Board of  
13          Governors; subjecting projects to requirements  
14          for issuance of bonds and debt; amending s.  
15          1013.78, F.S.; providing an exception relating  
16          to legislative approval for university-related  
17          facility acquisitions; repealing s. 186.805,  
18          F.S., relating to the Data Bank on Older  
19          Floridians; repealing s. 1004.54, F.S.,  
20          relating to the Learning Development and  
21          Evaluation Center; repealing s. 741.03055,  
22          F.S., relating to review of premarital  
23          preparation courses, pilot programs, and  
24          questionnaire and curriculum; repealing s.  
25          741.03056, F.S., relating to an informational  
26          questionnaire; repealing s. 1001.75, F.S.,  
27          relating to powers and duties of state  
28          university presidents; repealing s. 1007.261,  
29          F.S., relating to state university admission of  
30          students; repealing s. 1007.31, F.S., relating  
31          to limited access programs; repealing s.

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1           1007.32, F.S., relating to transfer students;  
2           repealing s. 1008.51, F.S., relating to the  
3           Council for Education Policy Research and  
4           Improvement; repealing s. 1011.4105, F.S.,  
5           relating to transition from the state  
6           accounting system (FLAIR) to the university  
7           accounting system; repealing s. 1012.92, F.S.,  
8           relating to personnel codes of conduct,  
9           disciplinary measures, and rulemaking  
10          authority; repealing s. 1012.94, F.S., relating  
11          to evaluations of faculty members; repealing s.  
12          1012.95, F.S., relating to university  
13          employment equity accountability programs;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (a) of subsection (1) of section  
19 20.055, Florida Statutes, is amended to read:

20           20.055 Agency inspectors general.--

21           (1) For the purposes of this section:

22           (a) "State agency" means each department created  
23 pursuant to this chapter, and also includes the Executive  
24 Office of the Governor, the Department of Military Affairs,  
25 the Fish and Wildlife Conservation Commission, the Office of  
26 Insurance Regulation of the Financial Services Commission, the  
27 Office of Financial Regulation of the Financial Services  
28 Commission, the Public Service Commission, the Board of  
29 Governors of the State University System, and the state courts  
30 system.

31           Section 2. Paragraphs (d) and (e) of subsection (3) of  
23

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1 section 20.15, Florida Statutes, are redesignated as  
2 paragraphs (c) and (d), respectively, present paragraph (c) of  
3 that subsection and subsections (5) and (7) are amended, and  
4 subsection (8) is added to that section, to read:

5       20.15 Department of Education.--There is created a  
6 Department of Education.

7       (3) DIVISIONS.--The following divisions of the  
8 Department of Education are established:

9       ~~(c) Division of Colleges and Universities.~~

10       (5) POWERS AND DUTIES.--The State Board of Education  
11 and the Commissioner of Education, in consultation with the  
12 Board of Governors of the State University System, the  
13 Commission for Independent Education, and other education  
14 entities, shall assign to the divisions such powers, duties,  
15 responsibilities, and functions as are necessary to ensure the  
16 greatest possible coordination, efficiency, and effectiveness  
17 of education for students in K-20 education.

18       (7) BOARDS.--Notwithstanding anything contained in law  
19 to the contrary, all members of the ~~university and~~ community  
20 college boards of trustees must be appointed according to  
21 chapter 1001.

22       (8) SUPPORT SERVICES.--The Department of Education  
23 shall continue to provide support to the Board of Governors of  
24 the State University System. At a minimum, support services  
25 provided to the Board of Governors shall include accounting,  
26 printing, computer and Internet support, personnel and human  
27 resources support, support for accountability initiatives, and  
28 administrative support as needed for trust funds under the  
29 jurisdiction of the Board of Governors.

30       Section 3. Section 20.155, Florida Statutes, is  
31 created to read:



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1           20.155 Board of Governors of the State University  
2   System.--  
3           (1) GENERAL PROVISIONS.--The Board of Governors of the  
4   State University System is established by the State  
5   Constitution under s. 7, Art. IX and, accordingly, is granted  
6   rights and privileges equal to those of departments  
7   established under this chapter while preserving the Board of  
8   Governors' constitutional designation and title.  
9           (2) HEAD OF THE BOARD.--The head of the Board of  
10   Governors is the board with members appointed by the Governor  
11   as provided for in s. 7, Art. IX of the State Constitution.  
12           (3) PERSONNEL.--The Board of Governors may appoint a  
13   Chancellor to aid the board in the implementation of its  
14   responsibilities.  
15           (4) POWERS AND DUTIES.--  
16           (a) The Board of Governors shall operate, regulate,  
17   control, and be responsible for the management of the whole  
18   State University System in accordance with s. 7, Art. IX of  
19   the State Constitution and law.  
20           (b) The Board of Governors, in exercising its  
21   authority under the State Constitution and statutes, shall do  
22   so in a manner that supports, promotes, and enhances all of  
23   the following:  
24           1. Affordable access to postsecondary educational  
25   opportunities for Florida residents.  
26           2. Articulation among state universities and with  
27   public schools and other postsecondary educational  
28   institutions.  
29           3. Fiscal responsibility.  
30           4. Accountability.  
31           (5) OFFICE OF INSPECTOR GENERAL.--An Office of

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1 Inspector General shall be organized using existing resources  
 2 and funds to promote accountability, efficiency, and  
 3 effectiveness and to detect fraud and abuse within state  
 4 universities. If the Board of Governors determines that a  
 5 state university board of trustees is unwilling or unable to  
 6 address substantiated allegations made by any person relating  
 7 to waste, fraud, or financial mismanagement, the office shall  
 8 conduct, coordinate, or request investigations into  
 9 substantiated allegations made by any person relating to  
 10 waste, fraud, or financial management within a state  
 11 university. The office shall have access to all information  
 12 and personnel necessary to perform its duties and shall have  
 13 all of its current powers, duties, and responsibilities  
 14 authorized in s. 20.055.

15 Section 4. Subsection (1) of section 23.21, Florida  
 16 Statutes, is amended to read:

17 23.21 Definitions.--For purposes of this part:

18 (1) "Department" means a principal administrative unit  
 19 within the executive branch of state government, as defined in  
 20 chapter 20, and includes the State Board of Administration,  
 21 the Executive Office of the Governor, the Fish and Wildlife  
 22 Conservation Commission, the Parole Commission, the Agency for  
 23 Health Care Administration, ~~the Board of Regents,~~ the State  
 24 Board of Education ~~Community Colleges,~~ the Board of Governors  
 25 of the State University System, the Justice Administrative  
 26 Commission, the capital collateral regional counsel, and  
 27 separate budget entities placed for administrative purposes  
 28 within a department.

29 Section 5. Paragraph (a) of subsection (6) of section  
 30 110.131, Florida Statutes, is amended to read:

31 110.131 Other-personal-services temporary

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employment.--

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Governors of the State University System, or the board's designee, ~~Regents~~ or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 6. Subsection (5) of section 110.181, Florida Statutes, is amended to read:

110.181 Florida State Employees' Charitable Campaign.--

(5) PARTICIPATION OF STATE UNIVERSITIES.--Each university may elect to participate in the Florida State Employees' Charitable Campaign, upon timely notice to the department. Each university may also conduct annual charitable fundraising drives for employees under the authority granted in ss. 1001.706 and ~~s. 1001.74(19)~~.

Section 7. Paragraphs (e), (f), and (g) of subsection (13) of section 112.0455, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, and paragraph (d) of that subsection is amended to read:

112.0455 Drug-Free Workplace Act.--

(13) RULES.--

~~(d) The Board of Regents may adopt rules for the State University System implementing this section.~~

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1 This section shall not be construed to eliminate the  
2 bargainable rights as provided in the collective bargaining  
3 process where applicable.

4 Section 8. Subsection (5) of section 112.19, Florida  
5 Statutes, is amended to read:

6 112.19 Law enforcement, correctional, and correctional  
7 probation officers; death benefits.--

8 (5) The State Board ~~Department~~ of Education shall  
9 adopt rules and procedures as are necessary to implement the  
10 educational benefits provisions of this section.

11 Section 9. Subsection (5) of section 112.191, Florida  
12 Statutes, is amended to read:

13 112.191 Firefighters; death benefits.--

14 (5) The State Board ~~Department~~ of Education shall  
15 adopt rules and procedures as are necessary to implement the  
16 educational benefits provisions of this section.

17 Section 10. Paragraph (a) of subsection (9) of section  
18 112.313, Florida Statutes, is amended to read:

19 112.313 Standards of conduct for public officers,  
20 employees of agencies, and local government attorneys.--

21 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT  
22 FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

23 (a)1. It is the intent of the Legislature to implement  
24 by statute the provisions of s. 8(e), Art. II of the State  
25 Constitution relating to legislators, statewide elected  
26 officers, appointed state officers, and designated public  
27 employees.

28 2. As used in this paragraph:

29 a. "Employee" means:

30 (I) Any person employed in the executive or  
31 legislative branch of government holding a position in the

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1 Senior Management Service as defined in s. 110.402 or any  
2 person holding a position in the Selected Exempt Service as  
3 defined in s. 110.602 or any person having authority over  
4 policy or procurement employed by the Department of the  
5 Lottery.

6 (II) The Auditor General, the director of the Office  
7 of Program Policy Analysis and Government Accountability, the  
8 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
9 at Arms and Clerk of the House of Representatives.

10 (III) The executive director of the Legislative  
11 Committee on Intergovernmental Relations and the executive  
12 director and deputy executive director of the Commission on  
13 Ethics.

14 (IV) An executive director, staff director, or deputy  
15 staff director of each joint committee, standing committee, or  
16 select committee of the Legislature; an executive director,  
17 staff director, executive assistant, analyst, or attorney of  
18 the Office of the President of the Senate, the Office of the  
19 Speaker of the House of Representatives, the Senate Majority  
20 Party Office, Senate Minority Party Office, House Majority  
21 Party Office, or House Minority Party Office; or any person,  
22 hired on a contractual basis, having the power normally  
23 conferred upon such persons, by whatever title.

24 (V) The Chancellor and Vice Chancellors of the State  
25 University System; the general counsel to the Board of  
26 Governors of the State University System ~~Regents~~; and the  
27 president, provost, vice presidents, and deans of each state  
28 university.

29 (VI) Any person, including an other-personal-services  
30 employee, having the power normally conferred upon the  
31 positions referenced in this sub-subparagraph.

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b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil

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1 penalty of an amount equal to the compensation which the  
2 person receives for the prohibited conduct.

3 6. This paragraph is not applicable to:

4 a. A person employed by the Legislature or other  
5 agency prior to July 1, 1989;

6 b. A person who was employed by the Legislature or  
7 other agency on July 1, 1989, whether or not the person was a  
8 defined employee on July 1, 1989;

9 c. A person who was a defined employee of the State  
10 University System or the Public Service Commission who held  
11 such employment on December 31, 1994;

12 d. A person who has reached normal retirement age as  
13 defined in s. 121.021(29), and who has retired under the  
14 provisions of chapter 121 by July 1, 1991; or

15 e. Any appointed state officer whose term of office  
16 began before January 1, 1995, unless reappointed to that  
17 office on or after January 1, 1995.

18 Section 11. Paragraph (a) of subsection (1) of section  
19 112.3135, Florida Statutes, is amended to read:

20 112.3135 Restriction on employment of relatives.--

21 (1) In this section, unless the context otherwise  
22 requires:

23 (a) "Agency" means:

24 1. A state agency, except an institution under the  
25 jurisdiction of the Board of Governors of the State University  
26 ~~System Division of Universities of the Department of~~  
27 ~~Education;~~

28 2. An office, agency, or other establishment in the  
29 legislative branch;

30 3. An office, agency, or other establishment in the  
31 judicial branch;

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1 4. A county;

2 5. A city; and

3 6. Any other political subdivision of the state,  
4 except a district school board or community college district.

5 Section 12. Paragraph (c) of subsection (1) of section  
6 112.3145, Florida Statutes, is amended to read:

7 112.3145 Disclosure of financial interests and clients  
8 represented before agencies.--

9 (1) For purposes of this section, unless the context  
10 otherwise requires, the term:

11 (c) "State officer" means:

12 1. Any elected public officer, excluding those elected  
13 to the United States Senate and House of Representatives, not  
14 covered elsewhere in this part and any person who is appointed  
15 to fill a vacancy for an unexpired term in such an elective  
16 office.

17 2. An appointed member of each board, commission,  
18 authority, or council having statewide jurisdiction, excluding  
19 a member of an advisory body.

20 3. A member of the Board of Governors of the State  
21 University System or a state university board of trustees  
22 ~~Regents~~, the Chancellor and Vice Chancellors of the State  
23 University System, and the president of a state university.

24 4. A member of the judicial nominating commission for  
25 any district court of appeal or any judicial circuit.

26 Section 13. Paragraph (b) of subsection (1) and  
27 subsection (6) of section 120.52, Florida Statutes, are  
28 amended to read:

29 120.52 Definitions.--As used in this act:

30 (1) "Agency" means:

31 (b) Each:



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1           1. State officer and state department, and each  
2 departmental unit described in s. 20.04.

3           2. Authority, including a regional water supply  
4 authority.

5           3. Board, including the Board of Governors of the  
6 State University System and a state university board of  
7 trustees when acting pursuant to statutory authority derived  
8 from the Legislature.

9           4. Commission, including the Commission on Ethics and  
10 the Fish and Wildlife Conservation Commission when acting  
11 pursuant to statutory authority derived from the Legislature.

12           5. Regional planning agency.

13           6. Multicounty special district with a majority of its  
14 governing board comprised of nonelected persons.

15           7. Educational units.

16           8. Entity described in chapters 163, 373, 380, and 582  
17 and s. 186.504.

18  
19 This definition does not include any legal entity or agency  
20 created in whole or in part pursuant to chapter 361, part II,  
21 any metropolitan planning organization created pursuant to s.  
22 339.175, any separate legal or administrative entity created  
23 pursuant to s. 339.175 of which a metropolitan planning  
24 organization is a member, an expressway authority pursuant to  
25 chapter 348, any legal or administrative entity created by an  
26 interlocal agreement pursuant to s. 163.01(7), unless any  
27 party to such agreement is otherwise an agency as defined in  
28 this subsection, or any multicounty special district with a  
29 majority of its governing board comprised of elected persons;  
30 however, this definition shall include a regional water supply  
31 authority.

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1           (6) "Educational unit" means a local school district,  
2 a community college district, the Florida School for the Deaf  
3 and the Blind, or a state university when the university is  
4 acting pursuant to statutory authority derived from the  
5 Legislature.

6           Section 14. Subsection (11) of section 120.65, Florida  
7 Statutes, is amended to read:

8           120.65 Administrative law judges.--

9           (11) The division shall be reimbursed for  
10 administrative law judge services and travel expenses by the  
11 following entities: water management districts, regional  
12 planning councils, school districts, community colleges, the  
13 Division of Community Colleges, state universities, the Board  
14 of Governors of the State University System, the State Board  
15 of Education, the Florida School for the Deaf and the Blind,  
16 and the Commission for Independent Education. These entities  
17 shall contract with the division to establish a contract rate  
18 for services and provisions for reimbursement of  
19 administrative law judge travel expenses and video  
20 teleconferencing expenses attributable to hearings conducted  
21 on behalf of these entities. The contract rate must be based  
22 on a total-cost-recovery methodology.

23           Section 15. Paragraph (b) of subsection (22) of  
24 section 121.021, Florida Statutes, is amended to read:

25           121.021 Definitions.--The following words and phrases  
26 as used in this chapter have the respective meanings set forth  
27 unless a different meaning is plainly required by the context:

28           (22) "Compensation" means the monthly salary paid a  
29 member by his or her employer for work performed arising from  
30 that employment.

31           (b) Under no circumstances shall compensation include:

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1           1. Fees paid professional persons for special or  
2 particular services or include salary payments made from a  
3 faculty practice plan authorized by the Board of Governors of  
4 the State University System ~~operated by rule of the Board of~~  
5 ~~Regents~~ for eligible clinical faculty at a state university  
6 with a faculty practice plan ~~the University of Florida and the~~  
7 ~~University of South Florida;~~ or

8           2. Any bonuses or other payments prohibited from  
9 inclusion in the member's average final compensation and  
10 defined in subsection (47).

11           Section 16. Paragraphs (b) and (d) of subsection (2)  
12 and paragraphs (a) and (b) of subsection (6) of section  
13 121.35, Florida Statutes, are amended to read:

14           121.35 Optional retirement program for the State  
15 University System.--

16           (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL  
17 PROGRAM.--

18           (b) For purposes of this section, both the appointees  
19 and employees are referred to as "employees," and the  
20 "employer" of an appointee or employee is the individual  
21 institution within the State University System or the Board of  
22 Governors of the State University System ~~State Board of~~  
23 ~~Education~~, whichever is appropriate with respect to the  
24 particular employee or appointee.

25           (d) For purposes of this section, the authority  
26 granted to the Board of Governors of the State University  
27 System ~~State Board of Education~~ may be exercised by the Board  
28 of Governors or by the Chancellor of the State University  
29 System ~~Division of Colleges and Universities~~.

30           (6) ADMINISTRATION OF PROGRAM.--

31           (a) The optional retirement program authorized by this

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1 section shall be administered by the department. The  
 2 department shall adopt rules establishing the responsibilities  
 3 of the ~~State Board of Education and~~ institutions in the State  
 4 University System in administering the optional retirement  
 5 program. The Board of Regents ~~State Board of Education~~ shall,  
 6 no more than 90 days after July 1, 1983, submit to the  
 7 department its recommendations for the contracts to be offered  
 8 by the companies chosen by the department. Effective July 1,  
 9 2001, the State Board of Education shall submit to the  
 10 department its recommendations for the contracts to be offered  
 11 by the companies chosen by the department. Effective July 1,  
 12 2007, the Board of Governors of the State University System  
 13 shall submit recommendations on contracts within 90 days after  
 14 request by the department. The recommendations of the board  
 15 shall include the following:  
 16         1. The nature and extent of the rights and benefits in  
 17 relation to the required contributions; and  
 18         2. The suitability of the rights and benefits to the  
 19 needs of the participants and the interests of the  
 20 institutions in the recruitment and retention of eligible  
 21 employees.  
 22         (b) After receiving and considering the  
 23 recommendations of the Board of Governors of the State  
 24 University System ~~State Board of Education~~, the department  
 25 shall designate no more than five companies from which  
 26 contracts may be purchased under the program and shall approve  
 27 the form and content of the optional retirement program  
 28 contracts. Any domestic company that has been designated as of  
 29 July 1, 2005, shall be included in the five companies until  
 30 expiration of its existing contract with the department. The  
 31 domestic company may assign its contract with the department

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1 to an affiliated qualified company that is wholly owned by the  
2 domestic company's parent company and has assumed 100 percent  
3 of the responsibility for the contracts purchased from the  
4 domestic company.

5 Section 17. Subsection (1) of section 159.703, Florida  
6 Statutes, is amended to read:

7 159.703 Creation of research and development  
8 authorities.--

9 (1) Subject to the provisions of this part, each  
10 county or group of counties may create by ordinance a local  
11 governmental body as a public body corporate and politic to be  
12 known as "\_\_\_\_\_ Research and Development Authority," hereafter  
13 referred to as "authority" or "authorities." Each of the  
14 authorities is constituted as a public instrumentality for the  
15 purposes of development, operation, management, and financing  
16 of a research and development park, and the exercise by an  
17 authority of the powers conferred by ss. 159.701-159.7095  
18 shall be deemed and held to be the performance of an essential  
19 public purpose and function. However, no authority created on  
20 or after July 1, 2007 ~~July 7, 1988~~, shall transact any  
21 business or exercise any power hereunder until and unless the  
22 Board of Governors of the State University System ~~Board of~~  
23 ~~Regents~~ has designated the authority pursuant to the  
24 requirements of s. 159.704.

25 Section 18. Subsections (1) and (3) of section  
26 159.704, Florida Statutes, are amended to read:

27 159.704 Designation by Board of Governors of the State  
28 University System ~~Board of Regents~~; procedure.--

29 (1) The authority shall prepare and submit to the  
30 Board of Governors of the State University System ~~Board of~~  
31 ~~Regents~~ a petition requesting that the authority be designated

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1 a research and development authority.

2 (3) Upon approval of the petition and designation as a  
3 research and development authority by the Board of Governors  
4 of the State University System ~~Board of Regents~~, the authority  
5 shall be empowered to transact any business and exercise any  
6 power authorized by ss. 159.701-159.7095 for the purposes set  
7 out in such sections.

8 Section 19. Section 159.706, Florida Statutes, is  
9 amended to read:

10 159.706 Grandfather clause.--Each county designated as  
11 a research and development authority on June 30, 1979, or  
12 designated by the Board of Regents as a research and  
13 development authority prior to July 1, 2001, shall be entitled  
14 to continue to be designated and shall be accorded all powers  
15 conferred to designated authorities by ss. 159.701-159.7095,  
16 except that any authority not constituted and designated under  
17 the provisions of ss. 159.701-159.7095 shall be prohibited  
18 from exercising any power to issue revenue bonds or other debt  
19 obligations pursuant to s. 159.705(6) and (7).

20 Section 20. Paragraph (b) of subsection (2) of section  
21 211.3103, Florida Statutes, is amended to read:

22 211.3103 Levy of tax on severance of phosphate rock;  
23 rate, basis, and distribution of tax.--

24 (2) Beginning July 1, 2003, the proceeds of all taxes,  
25 interest, and penalties imposed under this section shall be  
26 paid into the State Treasury as follows:

27 (b) The remaining revenues collected from the tax  
28 during that fiscal year, after the required payment under  
29 paragraph (a), shall be paid into the State Treasury as  
30 follows:

31 1. For payment to counties in proportion to the number

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1 of tons of phosphate rock produced from a phosphate rock  
2 matrix located within such political boundary, 18.75 percent.  
3 The department shall distribute this portion of the proceeds  
4 annually based on production information reported by the  
5 producers on the annual returns for the taxable year. Any such  
6 proceeds received by a county shall be used only for  
7 phosphate-related expenses.

8           2. For payment to counties that have been designated a  
9 rural area of critical economic concern pursuant to s.  
10 288.0656 in proportion to the number of tons of phosphate rock  
11 produced from a phosphate rock matrix located within such  
12 political boundary, 15 percent. The department shall  
13 distribute this portion of the proceeds annually based on  
14 production information reported by the producers on the annual  
15 returns for the taxable year.

16           3. To the credit of the Phosphate Research Trust Fund  
17 in the Department of Education, ~~Division of Universities~~,  
18 11.25 percent.

19           4. To the credit of the Minerals Trust Fund, 11.25  
20 percent.

21           5. To the credit of the Nonmandatory Land Reclamation  
22 Trust Fund, 43.75 percent.

23           Section 21. Subsection (2) of section 215.16, Florida  
24 Statutes, is amended to read:

25           215.16 Appropriations from General Revenue Fund for  
26 public schools, state institutions of higher learning, and  
27 community colleges; reduction.--

28           (2) If the state appropriations from the General  
29 Revenue Fund for the benefit of the uniform system of public  
30 free schools, state institutions of higher learning, and  
31 community colleges cannot be paid in full during any given

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1 year, they shall be diminished only in the same proportion  
2 that appropriations for all other purposes from the General  
3 Revenue Fund are diminished during such year. Additionally,  
4 any funding reductions to public free schools, state  
5 institutions of higher learning, and community colleges shall  
6 be diminished in proportions identical to one another. For the  
7 purpose of implementing this section, general revenue funds  
8 exclude the administrative budgets of the Board of Governors  
9 and the Department of Education. ~~provided for public free~~  
10 ~~schools, state institutions of higher learning, and community~~  
11 ~~colleges shall be restricted to general revenue funds~~  
12 ~~appropriated for the Division of Public Schools and Community~~  
13 ~~Education, the Division of Workforce Development, the Division~~  
14 ~~of Universities, excluding the general office of the Board of~~  
15 ~~Regents, and the Division of Community Colleges, excluding the~~  
16 ~~division office.~~

17 Section 22. Paragraph (b) of subsection (2) of section  
18 215.32, Florida Statutes, is amended to read:

19 215.32 State funds; segregation.--

20 (2) The source and use of each of these funds shall be  
21 as follows:

22 (b)1. The trust funds shall consist of moneys received  
23 by the state which under law or under trust agreement are  
24 segregated for a purpose authorized by law. The state agency  
25 or branch of state government receiving or collecting such  
26 moneys shall be responsible for their proper expenditure as  
27 provided by law. Upon the request of the state agency or  
28 branch of state government responsible for the administration  
29 of the trust fund, the Chief Financial Officer may establish  
30 accounts within the trust fund at a level considered necessary  
31 for proper accountability. Once an account is established



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1 within a trust fund, the Chief Financial Officer may authorize  
2 payment from that account only upon determining that there is  
3 sufficient cash and releases at the level of the account.

4         2. In addition to other trust funds created by law, to  
5 the extent possible, each agency shall use the following trust  
6 funds as described in this subparagraph for day-to-day  
7 operations:

8             a. Operations or operating trust fund, for use as a  
9 depository for funds to be used for program operations funded  
10 by program revenues, with the exception of administrative  
11 activities when the operations or operating trust fund is a  
12 proprietary fund.

13            b. Operations and maintenance trust fund, for use as a  
14 depository for client services funded by third-party payors.

15            c. Administrative trust fund, for use as a depository  
16 for funds to be used for management activities that are  
17 departmental in nature and funded by indirect cost earnings  
18 and assessments against trust funds. Proprietary funds are  
19 excluded from the requirement of using an administrative trust  
20 fund.

21            d. Grants and donations trust fund, for use as a  
22 depository for funds to be used for allowable grant or donor  
23 agreement activities funded by restricted contractual revenue  
24 from private and public nonfederal sources.

25            e. Agency working capital trust fund, for use as a  
26 depository for funds to be used pursuant to s. 216.272.

27            f. Clearing funds trust fund, for use as a depository  
28 for funds to account for collections pending distribution to  
29 lawful recipients.

30            g. Federal grant trust fund, for use as a depository  
31 for funds to be used for allowable grant activities funded by

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restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of

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1 Governors of the State University System, where such trust  
2 funds are for auxiliary enterprises, self-insurance, and  
3 contracts, grants, and donations, as those terms are defined  
4 by general law; trust funds that serve as clearing funds or  
5 accounts for the Chief Financial Officer or state agencies;  
6 trust funds that account for assets held by the state in a  
7 trustee capacity as an agent or fiduciary for individuals,  
8 private organizations, or other governmental units; and other  
9 trust funds authorized by the State Constitution.

10 Section 23. Subsection (4) of section 215.559, Florida  
11 Statutes, is amended to read:

12 215.559 Hurricane Loss Mitigation Program.--

13 (4) Of moneys provided to the Department of Community  
14 Affairs in paragraph (2)(a), 10 percent shall be allocated to  
15 a ~~Type I~~ center within the State University System dedicated  
16 to hurricane research. The ~~Type I~~ center shall develop a  
17 preliminary work plan approved by the advisory council set  
18 forth in subsection(5) ~~(6)~~ to eliminate the state and local  
19 barriers to upgrading existing mobile homes and communities,  
20 research and develop a program for the recycling of existing  
21 older mobile homes, and support programs of research and  
22 development relating to hurricane loss reduction devices and  
23 techniques for site-built residences. The State University  
24 System also shall consult with the Department of Community  
25 Affairs and assist the department with the report required  
26 under subsection(7) ~~(8)~~.

27 Section 24. Subsection (2) of section 215.82, Florida  
28 Statutes, is amended to read:

29 215.82 Validation; when required.--

30 (2) Any bonds issued pursuant to this act which are  
31 validated shall be validated in the manner provided by chapter

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1 75. In actions to validate bonds to be issued in the name of  
 2 the State Board of Education under s. 9(a) and (d), Art. XII  
 3 of the State Constitution and bonds to be issued pursuant to  
 4 chapter 259, the Land Conservation Act of 1972, the complaint  
 5 shall be filed in the circuit court of the county where the  
 6 seat of state government is situated, the notice required to  
 7 be published by s. 75.06 shall be published only in the county  
 8 where the complaint is filed, and the complaint and order of  
 9 the circuit court shall be served only on the state attorney  
 10 of the circuit in which the action is pending. In any action  
 11 to validate bonds issued pursuant to s. 1010.62 ~~ss.~~  
 12 ~~1010.61-1010.619~~ or issued pursuant to s. 9(a)(1), Art. XII of  
 13 the State Constitution or issued pursuant to s. 215.605 or s.  
 14 338.227, the complaint shall be filed in the circuit court of  
 15 the county where the seat of state government is situated, the  
 16 notice required to be published by s. 75.06 shall be published  
 17 in a newspaper of general circulation in the county where the  
 18 complaint is filed and in two other newspapers of general  
 19 circulation in the state, and the complaint and order of the  
 20 circuit court shall be served only on the state attorney of  
 21 the circuit in which the action is pending; provided, however,  
 22 that if publication of notice pursuant to this section would  
 23 require publication in more newspapers than would publication  
 24 pursuant to s. 75.06, such publication shall be made pursuant  
 25 to s. 75.06.

26 Section 25. Subsection (1) of section 216.0152,  
 27 Florida Statutes, is amended to read:

28 216.0152 Inventory of state-owned facilities or  
 29 state-occupied facilities.--

30 (1) The Department of Management Services shall  
 31 develop and maintain an automated inventory of all facilities

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1 owned, leased, rented, or otherwise occupied or maintained by  
 2 any agency of the state or by the judicial branch, except  
 3 those with less than 3,000 square feet. The inventory shall  
 4 include the location, occupying agency, ownership, size,  
 5 condition assessment, maintenance record, age, parking and  
 6 employee facilities, and other information as required by the  
 7 department for determining maintenance needs and life-cycle  
 8 cost evaluations of the facility. The inventory need not  
 9 include a condition assessment or maintenance record of  
 10 facilities not owned by a state agency or by the judicial  
 11 branch. The term "facility," as used in this section, means  
 12 buildings, structures, and building systems, but does not  
 13 include transportation facilities of the state transportation  
 14 system. The Department of Transportation shall develop and  
 15 maintain an inventory of transportation facilities of the  
 16 state transportation system. The Board of Governors of the  
 17 State University System and ~~Regents and the Division of~~  
 18 ~~Community Colleges of the Department of Education,~~  
 19 respectively, shall develop and maintain an inventory, in the  
 20 manner prescribed by the Department of Management Services, of  
 21 all state university and community college ~~higher education~~  
 22 facilities and shall make the data available in a format  
 23 acceptable to the Department of Management Services.

24 Section 26. Paragraph (a) of subsection (2) of section  
 25 216.251, Florida Statutes, is amended to read:

26 216.251 Salary appropriations; limitations.--

27 (2)(a) The salary for each position not specifically  
 28 indicated in the appropriations acts shall be as provided in  
 29 one of the following subparagraphs:

30 1. Within the classification and pay plans provided  
 31 for in chapter 110.

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1           2. Within the classification and pay plans established  
2 by the Board of Trustees for the Florida School for the Deaf  
3 and the Blind of the Department of Education and approved by  
4 the State Board of Education for academic and academic  
5 administrative personnel.

6           3. Within the classification and pay plan approved and  
7 administered by the ~~State Board of Education and the~~ Board of  
8 Governors for those positions in the State University System.

9           4. Within the classification and pay plan approved by  
10 the President of the Senate and the Speaker of the House of  
11 Representatives, as the case may be, for employees of the  
12 Legislature.

13           5. Within the approved classification and pay plan for  
14 the judicial branch.

15           Section 27. Paragraph (c) of subsection (2) and  
16 paragraph (c) of subsection (4) of section 220.15, Florida  
17 Statutes, are amended to read:

18           220.15 Apportionment of adjusted federal income.--

19           (2) The property factor is a fraction the numerator of  
20 which is the average value of the taxpayer's real and tangible  
21 personal property owned or rented and used in this state  
22 during the taxable year or period and the denominator of which  
23 is the average value of such property owned or rented and used  
24 everywhere.

25           (c) The property factor fraction shall not include any  
26 real or tangible personal property located in this state with  
27 respect to which it is certified to the Department of Revenue  
28 that such property is dedicated exclusively to research and  
29 development activities performed pursuant to sponsored  
30 research contracts conducted in conjunction with and through a  
31 university that is a member of the State University System or

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1 a nonpublic university that is chartered in Florida and  
2 conducts graduate programs at the professional or doctoral  
3 level. The Board of Governors of the State University System  
4 ~~Board of Regents~~ must certify the contracts for members of the  
5 State University System, and the president of the university  
6 must certify the contracts for a nonpublic university. As used  
7 in this paragraph, "sponsored research contract" means an  
8 agreement executed by parties that include at least the  
9 university and the taxpayer. Funding for sponsored research  
10 contracts may be provided from public or private sources.

11 (4) The payroll factor is a fraction the numerator of  
12 which is the total amount paid in this state during the  
13 taxable year or period by the taxpayer for compensation and  
14 the denominator of which is the total compensation paid  
15 everywhere during the taxable year or period.

16 (c) The payroll factor fraction shall not include any  
17 compensation paid to any employee located in this state when  
18 it is certified to the Department of Revenue that such  
19 compensation was paid to employees dedicated exclusively to  
20 research and development activities performed pursuant to  
21 sponsored research contracts conducted in conjunction with and  
22 through a university that is a member of the State University  
23 System or a nonpublic university that is chartered in Florida  
24 and conducts graduate programs at the professional or doctoral  
25 level. The Board of Governors of the State University System  
26 ~~Board of Regents~~ must certify the contracts for members of the  
27 State University System, and the president of the university  
28 must certify the contracts for a nonpublic university. As used  
29 in this paragraph, "sponsored research contract" means an  
30 agreement executed by parties that include at least the  
31 university and the taxpayer. Funding for sponsored research

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contracts may be provided from public or private sources.

Section 28. Subsection (7) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.--

(7) The Adjutant General, the Board of Governors of the State University System, and the State Board of Education shall develop education assistance programs for members in good standing of the active Florida National Guard who enroll in a public institution of higher learning in the state.

(a) The programs shall set forth application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.  
2. Be presently domiciled in the state.  
3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.

5. Upon enrollment in a program specified in subsection (8) or subsection (9), complete a memorandum of agreement to comply with the rules of the program and serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted or tuition and fees are paid.

(b) The programs shall define those members of the active Florida National Guard who are ineligible to participate in the program and those courses of study which are not authorized for the program.



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1           1. Such members include, but are not limited to:

2           a. Any member, commissioned officer, warrant officer,  
3 or enlisted person who has a baccalaureate degree.

4           b. Any member who has 15 years or more of total  
5 military service creditable toward retirement.

6           c. Any member who has not completed basic military  
7 training.

8           2. Courses not authorized include noncredit courses,  
9 courses that do not meet degree requirements, or courses that  
10 do not meet requirements for completion of career training.

11           (c) The Adjutant General, together with the Board of  
12 Governors of the State University System and the State Board  
13 of Education, shall adopt rules for the overall policy,  
14 guidance, administration, implementation, and proper  
15 utilization of the program. Such rules must include, but not  
16 be limited to, guidelines for certification by the Adjutant  
17 General of a guard member's eligibility, procedures for  
18 notification to an institution of a guard member's termination  
19 of eligibility, and procedures for restitution when a guard  
20 member fails to comply with the penalties described in this  
21 section.

22           Section 29. Section 253.381, Florida Statutes, is  
23 amended to read:

24           253.381 Unsurveyed marshlands; sale to upland  
25 owners.--The Board of Trustees of the Internal Improvement  
26 Trust Fund of the state is ~~and the State Board of Education~~  
27 ~~are~~ hereby authorized to make sales of unsurveyed marshlands  
28 to record owners of uplands which have been surveyed by the  
29 United States, and to make equitable divisions of unsurveyed  
30 marsh areas and allocations of the same for sales with due  
31 respect to upland ownership, sales heretofore made, natural

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divisions of the unsurveyed marshes which are indicated by the general courses of water channels within or across the unsurveyed marshes and to other topographical features of the affected areas.

Section 30. Section 255.02, Florida Statutes, is amended to read:

255.02 Boards authorized to replace buildings destroyed by fire.--The Department of Management Services, ~~the Board of Regents of the Department of Education,~~ or any other board or person having the direct supervision and control of any state building or state property, may have rebuilt or replaced, out of the proceeds from the fire insurance on such buildings or property, any buildings or property owned by the state, which may be destroyed in whole or in part by fire.

Section 31. Subsection (2) of section 255.043, Florida Statutes, is amended to read:

255.043 Art in state buildings.--

(2) The Department of Management Services, ~~the Board of Regents,~~ or other state agencies receiving appropriations for original constructions shall notify the Florida Arts Council and the user agency of any construction project which is eligible under the provisions of this section. The Department of Management Services, ~~the Board of Regents,~~ or other state agency shall determine the amount to be made available for purchase or commission of works of art for each project and shall report these amounts to the Florida Arts Council and the user agency. Payments therefor shall be made from funds appropriated for fixed capital outlay according to law.

Section 32. Subsection (2) of section 255.102, Florida Statutes, is amended to read:

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1           255.102 Contractor utilization of minority business  
2 enterprises.--

3           (2) The Office of Supplier Diversity, in collaboration  
4 with the Board of Governors of the State University System,  
5 shall adopt rules to determine what is a "good faith effort"  
6 for purposes of contractor compliance with minority  
7 participation goals established for competitively awarded  
8 building and construction projects. Pro forma efforts shall  
9 not be considered good faith. Factors which shall be  
10 considered by the state agency in determining whether a  
11 contractor has made good faith efforts shall include, but not  
12 be limited to:

13           (a) Whether the contractor attended any  
14 presolicitation or prebid meetings that were scheduled by the  
15 agency to inform minority business enterprises of contracting  
16 and subcontracting opportunities.

17           (b) Whether the contractor advertised in general  
18 circulation, trade association, or minority-focus media  
19 concerning the subcontracting opportunities.

20           (c) Whether the contractor provided written notice to  
21 all relevant subcontractors listed on the minority vendor list  
22 for that locality and statewide as provided by the agency as  
23 of the date of issuance of the invitation to bid, that their  
24 interest in the contract was being solicited in sufficient  
25 time to allow the minority business enterprises to participate  
26 effectively.

27           (d) Whether the contractor followed up initial  
28 solicitations of interest by contacting minority business  
29 enterprises, the Office of Supplier Diversity, or minority  
30 persons who responded and provided detailed information about  
31 prebid meetings, access to plans, specifications, contractor's

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1 project manager, subcontractor bonding, if any, payment  
2 schedule, bid addenda, and other assistance provided by the  
3 contractor to enhance minority business enterprise  
4 participation.

5 (e) Whether the contractor selected portions of the  
6 work to be performed by minority business enterprises in order  
7 to increase the likelihood of meeting the minority business  
8 enterprise procurement goals, including, where appropriate,  
9 breaking down contracts into economically feasible units to  
10 facilitate minority business enterprise participation under  
11 reasonable and economical conditions of performance.

12 (f) Whether the contractor provided the Office of  
13 Supplier Diversity as well as interested minority business  
14 enterprises or minority persons with adequate information  
15 about the plans, specifications, and requirements of the  
16 contract or the availability of jobs at a time no later than  
17 when such information was provided to other subcontractors.

18 (g) Whether the contractor negotiated in good faith  
19 with interested minority business enterprises or minority  
20 persons, not rejecting minority business enterprises or  
21 minority persons as unqualified without sound reasons based on  
22 a thorough investigation of their capabilities or imposing  
23 implausible conditions of performance on the contract.

24 (h) Whether the contractor diligently seeks to replace  
25 a minority business enterprise subcontractor that is unable to  
26 perform successfully with another minority business  
27 enterprise.

28 (i) Whether the contractor effectively used the  
29 services of available minority community organizations;  
30 minority contractors' groups; local, state, and federal  
31 minority business assistance offices; and other organizations

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1 that provide assistance in the recruitment and placement of  
2 minority business enterprises or minority persons.

3 Section 33. Subsection (23) of section 280.02, Florida  
4 Statutes, is amended to read:

5 280.02 Definitions.--As used in this chapter, the  
6 term:

7 (23) "Public deposit" means the moneys of the state or  
8 of any state university, county, school district, community  
9 college district, special district, metropolitan government,  
10 or municipality, including agencies, boards, bureaus,  
11 commissions, and institutions of any of the foregoing, or of  
12 any court, and includes the moneys of all county officers,  
13 including constitutional officers, that are placed on deposit  
14 in a bank, savings bank, or savings association and for which  
15 the bank, savings bank, or savings association is required to  
16 maintain reserves. This includes, but is not limited to, time  
17 deposit accounts, demand deposit accounts, and nonnegotiable  
18 certificates of deposit. Moneys in deposit notes and in other  
19 nondeposit accounts such as repurchase or reverse repurchase  
20 operations are not public deposits. Securities, mutual funds,  
21 and similar types of investments are not considered public  
22 deposits and shall not be subject to the provisions of this  
23 chapter.

24 Section 34. Section 286.001, Florida Statutes, is  
25 amended to read:

26 286.001 Reports statutorily required; filing,  
27 maintenance, retrieval, and provision of copies.--

28 (1) Unless otherwise specifically provided by law, any  
29 agency or officer of the executive, legislative, or judicial  
30 branches of state government, the State Board of Education,  
31 the Board of Governors of the State University System

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1 ~~Community Colleges, the Board of Regents~~, or the Public  
2 Service Commission required or authorized by law to make  
3 reports regularly or periodically shall fulfill such  
4 requirement by filing an abstract of the report with the  
5 statutorily or administratively designated recipients of the  
6 report and an abstract and one copy of the report with the  
7 Division of Library and Information Services of the Department  
8 of State, unless the head of the reporting entity makes a  
9 determination that the additional cost of providing the entire  
10 report to the statutorily or administratively designated  
11 recipients is justified. A one-page summary justifying the  
12 determination shall be submitted to the chairs of the  
13 governmental operations committees of both houses of the  
14 Legislature. The abstract of the contents of such report shall  
15 be no more than one-half page in length. The actual report  
16 shall be retained by the reporting agency or officer, and  
17 copies of the report shall be provided to interested parties  
18 and the statutorily or administratively designated recipients  
19 of the report upon request.

20 (2) With respect to reports statutorily required of  
21 agencies or officers within the executive, legislative, or  
22 judicial branches of state government, the State Board of  
23 Education, the Board of Governors of the State University  
24 System ~~Community Colleges, the Board of Regents~~, or the Public  
25 Service Commission, it is the duty of the division, in  
26 addition to its duties under s. 257.05, to:

27 (a) Regularly compile and update bibliographic  
28 information on such reports for distribution as provided in  
29 paragraph (b). Such bibliographic information may be included  
30 in the bibliographies prepared by the division pursuant to s.  
31 257.05(3)(c).

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1 (b) Provide for at least quarterly distribution of  
2 bibliographic information on reports to:

3 1. Agencies and officers within the executive,  
4 legislative, and judicial branches of state government, the  
5 State Board of Education, the Board of Governors of the State  
6 University System ~~Community Colleges, the Board of Regents,~~  
7 and the Public Service Commission, free of charge; and

8 2. Other interested parties upon request properly made  
9 and upon payment of the actual cost of duplication pursuant to  
10 s. 119.07(1).

11 (3) As soon as practicable, the administrative head of  
12 each executive, legislative, or judicial agency and each  
13 agency of the State Board of Education, the Board of Governors  
14 of the State University System ~~Community Colleges, the Board~~  
15 ~~of Regents,~~ and the Public Service Commission required by law  
16 to make reports periodically shall ensure that those reports  
17 are created, stored, managed, updated, retrieved, and  
18 disseminated through electronic means.

19 (4) Nothing in this section shall be construed to  
20 waive or modify the requirement in s. 257.05(2) pertaining to  
21 the provision of copies of public documents to the division.

22 Section 35. Subsection (1) of section 287.064, Florida  
23 Statutes, is amended to read:

24 287.064 Consolidated financing of deferred-payment  
25 purchases.--

26 (1) The Division of Bond Finance of the State Board of  
27 Administration and the Chief Financial Officer shall plan and  
28 coordinate deferred-payment purchases made by or on behalf of  
29 the state or its agencies or by or on behalf of state  
30 universities or state community colleges participating under  
31 this section pursuant to s. 1001.74(6) ~~s. 1001.74(5)~~ or s.

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1 1001.64(26), respectively. The Division of Bond Finance shall  
2 negotiate and the Chief Financial Officer shall execute  
3 agreements and contracts to establish master equipment  
4 financing agreements for consolidated financing of  
5 deferred-payment, installment sale, or lease purchases with a  
6 financial institution or a consortium of financial  
7 institutions. As used in this act, the term "deferred-payment"  
8 includes installment sale and lease-purchase.

9 (a) The period during which equipment may be acquired  
10 under any one master equipment financing agreement shall be  
11 limited to not more than 3 years.

12 (b) Repayment of the whole or a part of the funds  
13 drawn pursuant to the master equipment financing agreement may  
14 continue beyond the period established pursuant to paragraph  
15 (a).

16 (c) The interest rate component of any master  
17 equipment financing agreement shall be deemed to comply with  
18 the interest rate limitation imposed in s. 287.063 so long as  
19 the interest rate component of every interagency, state  
20 university, or community college agreement entered into under  
21 such master equipment financing agreement complies with the  
22 interest rate limitation imposed in s. 287.063. Such interest  
23 rate limitation does not apply when the payment obligation  
24 under the master equipment financing agreement is rated by a  
25 nationally recognized rating service in any one of the three  
26 highest classifications, which rating services and  
27 classifications are determined pursuant to rules adopted by  
28 the Chief Financial Officer.

29 Section 36. Subsection (1) of section 287.155, Florida  
30 Statutes, is amended to read:

31 287.155 Motor vehicles; purchase by ~~Division of~~



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1 ~~Universities~~, Department of Children and Family Services,  
2 Agency for Persons with Disabilities, Department of Health,  
3 Department of Juvenile Justice, and Department of  
4 Corrections.--

5       (1) The ~~Division of Universities of the Department of~~  
6 ~~Education, the~~ Department of Children and Family Services, the  
7 Agency for Persons with Disabilities, the Department of  
8 Health, the Department of Juvenile Justice, and the Department  
9 of Corrections may, subject to the approval of the Department  
10 of Management Services, purchase automobiles, trucks,  
11 tractors, and other automotive equipment for the use of  
12 institutions under the management of the ~~Division of~~  
13 ~~Universities, the~~ Department of Children and Family Services,  
14 the Agency for Persons with Disabilities, the Department of  
15 Health, and the Department of Corrections, and for the use of  
16 residential facilities managed or contracted by the Department  
17 of Juvenile Justice.

18       Section 37. Paragraph (d) of subsection (5) of section  
19 288.15, Florida Statutes, is amended to read:

20       288.15 Powers of Division of Bond Finance.--There is  
21 hereby granted to and vested in the Division of Bond Finance  
22 of the State Board of Administration the power, right,  
23 franchise, and authority:

24       (5) In order to carry out the objectives and purposes  
25 of this chapter, the division is authorized to acquire, own,  
26 construct, operate, maintain, improve, and extend public  
27 buildings, facilities, or works within the state which are of  
28 the character hereinafter specifically mentioned. All public  
29 buildings, facilities, and works which the division is  
30 authorized to own, construct, operate, and maintain must be  
31 such as can ultimately be owned and operated by an agency,

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1 department, board, bureau, or commission of the state. All or  
2 any such buildings, facilities, or works may be of a  
3 revenue-producing character in order that the cost of the same  
4 or some part of improvements or extensions thereto may be paid  
5 from receipts therefrom, including in Tallahassee only  
6 rentals, leases, and sales to both public and nonpublic  
7 agencies through the issue and sales or disposition of revenue  
8 bonds, notes, or certificates of the division. The buildings,  
9 facilities, and works which the division is hereby authorized  
10 to acquire, construct, operate, maintain, improve, and extend  
11 are:

12 (d) Public buildings, facilities, and additions or  
13 improvements to existing buildings and facilities for ultimate  
14 use in connection with any of the several state institutions,  
15 departments, bureaus, boards, or commissions; and, in  
16 furtherance of this paragraph, the Department of Management  
17 Services, the Board of Governors of the State University  
18 System, and the State Board of Education are authorized to  
19 cooperate with the Division of Bond Finance and to do and  
20 perform all acts and things necessary thereto. Any property  
21 acquired by the Division of Bond Finance under the provisions  
22 of this chapter may ultimately be conveyed to the state free  
23 and clear of all debt or other encumbrance.

24 Section 38. Section 288.17, Florida Statutes, is  
25 amended to read:

26 288.17 Revenue certificates.--The Division of Bond  
27 Finance of the State Board of Administration is authorized to  
28 issue interest-bearing revenue certificates for construction  
29 of all state buildings approved by the Legislature in its  
30 appropriation acts and requested by the Department of  
31 Management Services or by the Board of Governors of the State

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1 University System ~~Board of Regents.~~

2 Section 39. Section 288.705, Florida Statutes, is  
3 amended to read:

4 288.705 Statewide contracts register.--All state  
5 agencies shall in a timely manner provide the Florida Small  
6 Business Development Center Procurement System, ~~a Type I~~  
7 ~~center of the State University System funded as provided in~~  
8 ~~Pub. L. No. 96-302, as amended,~~ with all formal solicitations  
9 for contractual services, supplies, and commodities. The Small  
10 Business Development Center shall coordinate with Minority  
11 Business Development Centers to compile and distribute such  
12 information to Florida small and minority businesses  
13 requesting such service for the period of time necessary to  
14 familiarize the business with the market represented by state  
15 agencies. On or before February 1 of each year, the Small  
16 Business Development Center shall report to the Department of  
17 Labor and Employment Security on utilization of the statewide  
18 contracts register. Such report shall include, but not be  
19 limited to, information relating to:

20 (1) The total number of solicitations received from  
21 state agencies during the calendar year.

22 (2) The number of solicitations received from each  
23 state agency during the calendar year.

24 (3) The method of distributing solicitation  
25 information to those businesses requesting such service.

26 (4) The total number of businesses using the service.

27 (5) The percentage of businesses using the service  
28 which are owned and controlled by minorities.

29 Section 40. Subsection (7) of section 288.7091,  
30 Florida Statutes, is amended to read:

31 288.7091 Duties of the Florida Black Business

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Investment Board, Inc.--The Florida Black Business Investment Board, Inc., shall:

(7) Develop memoranda of understanding with the Departments of Education, Transportation, Community Affairs, and Management Services, as well as with Workforce Florida, Inc., the Board of Governors of the State University System, and the State Board of Education, detailing efforts of common interest and collaborations to expand black business development;

Section 41. Subsection (3) of section 288.8175, Florida Statutes, is amended to read:

288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.--

(3) Each institute must be governed by an agreement, ~~approved by the department,~~ between the Board of Governors of the State University System for a state university and the State Board of Education for a community college ~~Florida Community College System~~ with the counterpart organization in a foreign country. Each institute must report to the department regarding its program activities, expenditures, and policies.

Section 42. Paragraph (a) of subsection (4) of section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.--

(4) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the

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1 School for the Deaf and the Blind, or the equivalent of such  
2 positions at state universities, community colleges, or the  
3 School for the Deaf and the Blind, are included.

4 Section 43. Paragraph (b) of subsection (3) of section  
5 320.08058, Florida Statutes, is amended to read:

6 320.08058 Specialty license plates.--

7 (3) COLLEGIATE LICENSE PLATES.--

8 (b) A collegiate plate annual use fee is to be  
9 distributed to the state or independent university foundation  
10 designated by the purchaser for deposit in an unrestricted  
11 account. The Board of Governors of the State University System  
12 ~~Board of Regents~~ shall require each state university to submit  
13 a plan for approval of the expenditure of all funds so  
14 designated. These funds may be used only for academic  
15 enhancement, including scholarships and private fundraising  
16 activities.

17 Section 44. Subsections (1), (3), and (4) of section  
18 334.065, Florida Statutes, are amended to read:

19 334.065 Center for Urban Transportation Research.--

20 (1) There is established at the University of South  
21 Florida the Florida Center for Urban Transportation Research,  
22 to be administered by the Board of Governors ~~Regents of~~ and  
23 the State University System. The responsibilities of the  
24 center include, but are not limited to, conducting and  
25 facilitating research on issues related to urban  
26 transportation problems in this state and serving as an  
27 information exchange and depository for the most current  
28 information pertaining to urban transportation and related  
29 issues.

30 (3) An advisory board shall be created to periodically  
31 and objectively review and advise the center concerning its

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1 research program. Except for projects mandated by law,  
2 state-funded base projects shall not be undertaken without  
3 approval of the advisory board. The membership of the board  
4 shall consist of nine experts in transportation-related areas,  
5 including the secretaries of the Florida Departments of  
6 Transportation, Community Affairs, and Environmental  
7 Protection, or their designees, and a member of the Florida  
8 Transportation Commission. The nomination of the remaining  
9 members of the board shall be made to the President of the  
10 University of South Florida by the College of Engineering at  
11 the University of South Florida, and the appointment of these  
12 members must be reviewed and approved by the Florida  
13 Transportation Commission and confirmed by the Board of  
14 Governors ~~Regents~~.

15 (4) The center shall develop a budget pursuant to  
16 chapter 216. This budget shall be submitted to the Governor  
17 along with the budget of the Board of Governors ~~Regents~~.

18 Section 45. Subsection (3) of section 377.705, Florida  
19 Statutes, is amended to read:

20 377.705 Solar Energy Center; development of solar  
21 energy standards.--

22 (3) DEFINITIONS.--

23 (a) "Center" is defined as the Florida Solar Energy  
24 Center of the Board of Governors ~~Regents~~.

25 (b) "Solar energy systems" is defined as equipment  
26 which provides for the collection and use of incident solar  
27 energy for water heating, space heating or cooling, or other  
28 applications which normally require or would require a  
29 conventional source of energy such as petroleum products,  
30 natural gas, or electricity and which performs primarily with  
31 solar energy. In such other systems in which solar energy is

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1 used in a supplemental way, only those components which  
2 collect and transfer solar energy shall be included in this  
3 definition.

4 Section 46. Subsection (4) of section 381.79, Florida  
5 Statutes, is amended to read:

6 381.79 Brain and Spinal Cord Injury Program Trust  
7 Fund.--

8 (4) The Board of Governors of the State University  
9 System ~~Board of Regents~~ shall establish a program  
10 administration process which shall include: an annual  
11 prospective program plan with goals, research design, proposed  
12 outcomes, a proposed budget, an annual report of research  
13 activities and findings, and an annual end-of-year financial  
14 statement. Prospective program plans shall be submitted to the  
15 Board of Governors ~~Board of Regents~~, and funds shall be  
16 released upon acceptance of the proposed program plans. The  
17 annual report of research activities and findings shall be  
18 submitted to the Board of Governors ~~Board of Regents~~, with the  
19 executive summaries submitted to the President of the Senate,  
20 the Speaker of the House of Representatives, and the Secretary  
21 of Health.

22 Section 47. Subsection (1) of section 388.43, Florida  
23 Statutes, is amended to read:

24 388.43 Florida Medical Entomology Laboratory.--

25 (1) The Florida Medical Entomology Laboratory, located  
26 in Vero Beach, shall be a research and training center for the  
27 state under the supervision of the Board of Governors ~~Regents~~.  
28 The laboratory shall be an operational unit of the University  
29 of Florida and an integral part of the Institute of Food and  
30 Agricultural Sciences.

31 Section 48. Subsection (1) of section 403.073, Florida

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1 Statutes, is amended to read:

2 403.073 Pollution prevention; state goal; agency  
3 programs; public education.--

4 (1) It is a goal of the state that all its agencies,  
5 the State University System, community colleges ~~the State~~  
6 ~~Board of Community Colleges~~, and all municipalities, counties,  
7 regional agencies, and special districts develop and implement  
8 strategies to prevent pollution, including public information  
9 programs and education programs.

10 Section 49. Subsection (2) of section 403.074, Florida  
11 Statutes, is amended to read:

12 403.074 Technical assistance by the department.--

13 (2) The program shall include onsite, nonregulatory  
14 technical assistance and shall promote and sponsor conferences  
15 on pollution prevention techniques. The program may be  
16 conducted in cooperation with trade associations, trade  
17 schools, the State University System, community colleges ~~the~~  
18 ~~State Board of Community Colleges~~, or other appropriate  
19 entities.

20 Section 50. Paragraph (b) of subsection (1) of section  
21 409.908, Florida Statutes, is amended to read:

22 409.908 Reimbursement of Medicaid providers.--Subject  
23 to specific appropriations, the agency shall reimburse  
24 Medicaid providers, in accordance with state and federal law,  
25 according to methodologies set forth in the rules of the  
26 agency and in policy manuals and handbooks incorporated by  
27 reference therein. These methodologies may include fee  
28 schedules, reimbursement methods based on cost reporting,  
29 negotiated fees, competitive bidding pursuant to s. 287.057,  
30 and other mechanisms the agency considers efficient and  
31 effective for purchasing services or goods on behalf of



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1 recipients. If a provider is reimbursed based on cost  
 2 reporting and submits a cost report late and that cost report  
 3 would have been used to set a lower reimbursement rate for a  
 4 rate semester, then the provider's rate for that semester  
 5 shall be retroactively calculated using the new cost report,  
 6 and full payment at the recalculated rate shall be effected  
 7 retroactively. Medicare-granted extensions for filing cost  
 8 reports, if applicable, shall also apply to Medicaid cost  
 9 reports. Payment for Medicaid compensable services made on  
 10 behalf of Medicaid eligible persons is subject to the  
 11 availability of moneys and any limitations or directions  
 12 provided for in the General Appropriations Act or chapter 216.  
 13 Further, nothing in this section shall be construed to prevent  
 14 or limit the agency from adjusting fees, reimbursement rates,  
 15 lengths of stay, number of visits, or number of services, or  
 16 making any other adjustments necessary to comply with the  
 17 availability of moneys and any limitations or directions  
 18 provided for in the General Appropriations Act, provided the  
 19 adjustment is consistent with legislative intent.

20 (1) Reimbursement to hospitals licensed under part I  
 21 of chapter 395 must be made prospectively or on the basis of  
 22 negotiation.

23 (b) Reimbursement for hospital outpatient care is  
 24 limited to \$1,500 per state fiscal year per recipient, except  
 25 for:

- 26 1. Such care provided to a Medicaid recipient under  
 27 age 21, in which case the only limitation is medical  
 28 necessity.
- 29 2. Renal dialysis services.
- 30 3. Other exceptions made by the agency.

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1 The agency is authorized to receive funds from state entities,  
2 including, but not limited to, the Department of Health, the  
3 Board of Governors of the State University System ~~Board of~~  
4 ~~Regents~~, local governments, and other local political  
5 subdivisions, for the purpose of making payments, including  
6 federal matching funds, through the Medicaid outpatient  
7 reimbursement methodologies. Funds received from state  
8 entities and local governments for this purpose shall be  
9 separately accounted for and shall not be commingled with  
10 other state or local funds in any manner.

11 Section 51. Paragraph (d) of subsection (2) of section  
12 413.051, Florida Statutes, is amended to read:

13 413.051 Eligible blind persons; operation of vending  
14 stands.--

15 (2) As used in this section, the term:

16 (d) "State property" means any building or land owned,  
17 leased, or otherwise controlled by the state, but does not  
18 include any building or land under the control of a state  
19 university board of trustees ~~the Board of Regents~~, a community  
20 college district board of trustees, or any state correctional  
21 institution as defined in s. 944.02.

22 Section 52. Subsection (2) and (10) of section  
23 447.203, Florida Statutes, are amended to read:

24 447.203 Definitions.--As used in this part:

25 (2) "Public employer" or "employer" means the state or  
26 any county, municipality, or special district or any  
27 subdivision or agency thereof which the commission determines  
28 has sufficient legal distinctiveness properly to carry out the  
29 functions of a public employer. With respect to all public  
30 employees determined by the commission as properly belonging  
31 to a statewide bargaining unit composed of State Career

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1 Service System employees or Selected Professional Service  
 2 employees, the Governor shall be deemed to be the public  
 3 employer; and the Board of Governors of the State University  
 4 System, or the board's designee, ~~university board of trustees~~  
 5 shall be deemed to be the public employer with respect to all  
 6 public employees of each constituent ~~the respective~~ state  
 7 university. The board of trustees of a community college shall  
 8 be deemed to be the public employer with respect to all  
 9 employees of the community college. The district school board  
 10 shall be deemed to be the public employer with respect to all  
 11 employees of the school district. The Board of Trustees of the  
 12 Florida School for the Deaf and the Blind shall be deemed to  
 13 be the public employer with respect to the academic and  
 14 academic administrative personnel of the Florida School for  
 15 the Deaf and the Blind. The Governor shall be deemed to be the  
 16 public employer with respect to all employees in the  
 17 Correctional Education Program of the Department of  
 18 Corrections established pursuant to s. 944.801.

19 (10) "Legislative body" means the State Legislature,  
 20 the board of county commissioners, the district school board,  
 21 the governing body of a municipality, or the governing body of  
 22 an instrumentality or unit of government having authority to  
 23 appropriate funds and establish policy governing the terms and  
 24 conditions of employment and which, as the case may be, is the  
 25 appropriate legislative body for the bargaining unit. For  
 26 purposes of s. 447.403, the Board of Governors of the State  
 27 University System, or the board's designee, ~~state university~~  
 28 ~~board of trustees~~ shall be deemed to be the legislative body  
 29 with respect to all employees of each constituent ~~the~~ state  
 30 university. For purposes of s. 447.403 the board of trustees  
 31 of a community college shall be deemed to be the legislative

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1 body with respect to all employees of the community college.

2 Section 53. Section 455.2125, Florida Statutes, is  
3 amended to read:

4 455.2125 Consultation with postsecondary education  
5 boards prior to adoption of changes to training  
6 requirements.--Any state agency or board that has jurisdiction  
7 over the regulation of a profession or occupation shall  
8 consult with the Commission for Independent Education, the  
9 Board of Governors of the State University System ~~Board of~~  
10 ~~Regents~~, and the State Board of Education prior to adopting  
11 any changes to training requirements relating to entry into  
12 the profession or occupation. This consultation must allow the  
13 educational board to provide advice regarding the impact of  
14 the proposed changes in terms of the length of time necessary  
15 to complete the training program and the fiscal impact of the  
16 changes. The educational board must be consulted only when an  
17 institution offering the training program falls under its  
18 jurisdiction.

19 Section 54. Section 456.028, Florida Statutes, is  
20 amended to read:

21 456.028 Consultation with postsecondary education  
22 boards prior to adoption of changes to training  
23 requirements.--Any state agency or board that has jurisdiction  
24 over the regulation of a profession or occupation shall  
25 consult with the Commission for Independent Education, the  
26 Board of Governors of the State University System ~~Board of~~  
27 ~~Regents~~, and the State Board of Education prior to adopting  
28 any changes to training requirements relating to entry into  
29 the profession or occupation. This consultation must allow the  
30 educational board to provide advice regarding the impact of  
31 the proposed changes in terms of the length of time necessary

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to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 55. Subsection (1) of section 464.0196, Florida Statutes, is amended to read:

464.0196 Florida Center for Nursing; board of directors.--

(1) The Florida Center for Nursing shall be governed by a policy-setting board of directors. The board shall consist of 16 members, with a simple majority of the board being nurses representative of various practice areas. Other members shall include representatives of other health care professions, business and industry, health care providers, and consumers. The members of the board shall be appointed by the Governor as follows:

(a) Four members recommended by the President of the Senate, at least one of whom shall be a registered nurse recommended by the Florida Organization of Nurse Executives and at least one other representative of the hospital industry recommended by the Florida Hospital Association;

(b) Four members recommended by the Speaker of the House of Representatives, at least one of whom shall be a registered nurse recommended by the Florida Nurses Association and at least one other representative of the long-term care industry;

(c) Four members recommended by the Governor, two of whom shall be registered nurses; ~~and~~

(d) One ~~Four~~ nurse educator ~~educators~~ recommended by the Board of Governors who is ~~State Board of Education, one of whom shall be~~ a dean of a College of Nursing at a state

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1 ~~university; and, one other shall be a director of a nursing~~  
2 ~~program in a state community college.~~

3 (e) Three nurse educators recommended by the State  
4 Board of Education, one of whom must be a director of a  
5 nursing program at a state community college.

6 Section 56. Subsection (3) of section 489.103, Florida  
7 Statutes, is amended to read:

8 489.103 Exemptions.--This part does not apply to:

9 (3) An authorized employee of the United States, this  
10 state, or any municipality, county, irrigation district,  
11 reclamation district, or any other municipal or political  
12 subdivision, except school boards, state university boards of  
13 trustees, and community college boards of trustees ~~the Board~~  
14 ~~of Regents, and community colleges~~, unless for the purpose of  
15 performing routine maintenance or repair or construction not  
16 exceeding \$200,000 to existing installations, if the employee  
17 does not hold himself or herself out for hire or otherwise  
18 engage in contracting except in accordance with his or her  
19 employment. If the construction, remodeling, or improvement  
20 exceeds \$200,000, school boards, state university boards of  
21 trustees, and community college boards of trustees ~~the Board~~  
22 ~~of Regents, and community colleges~~, shall not divide the  
23 project into separate components for the purpose of evading  
24 this section.

25 Section 57. Subsection (2) of section 489.503, Florida  
26 Statutes, is amended to read:

27 489.503 Exemptions.--This part does not apply to:

28 (2) An authorized employee of the United States, this  
29 state, or any municipality, county, irrigation district,  
30 reclamation district, or any other municipal or political  
31 subdivision of this state, except school boards, state

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1 university boards of trustees, and community college boards of  
 2 trustees ~~the Board of Regents, and community colleges,~~ unless  
 3 for the purpose of performing routine maintenance or repair or  
 4 construction not exceeding \$200,000 to existing installations,  
 5 as long as the employee does not hold himself or herself out  
 6 for hire or otherwise engage in contracting except in  
 7 accordance with his or her employment. If the construction,  
 8 remodeling, or improvement exceeds \$200,000, school boards,  
 9 state university boards of trustees, and community college  
 10 boards of trustees ~~the Board of Regents, and community~~  
 11 ~~colleges,~~ shall not divide the project into separate  
 12 components for the purpose of evading this section.

13 Section 58. Subsection (5) of section 553.71, Florida  
 14 Statutes, is amended to read:

15 553.71 Definitions.--As used in this part, the term:

16 (5) "Local enforcement agency" means an agency of  
 17 local government, a local school board, a community college  
 18 board of trustees, or a university board of trustees in the  
 19 State University System with jurisdiction to make inspections  
 20 of buildings and to enforce the codes which establish  
 21 standards for design, construction, erection, alteration,  
 22 repair, modification, or demolition of public or private  
 23 buildings, structures, or facilities.

24 Section 59. Subsection (7) of section 633.01, Florida  
 25 Statutes, is amended to read:

26 633.01 State Fire Marshal; powers and duties; rules.--

27 (7) The State Fire Marshal shall adopt and administer  
 28 rules prescribing standards for the safety and health of  
 29 occupants of educational and ancillary facilities pursuant to  
 30 ss. 633.022, 1013.12, 1013.37, and 1013.371. In addition, in  
 31 any county that does not employ or appoint a local fire

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official, the State Fire Marshal shall assume the duties of the local fire official with respect to firesafety inspections of educational property required under s. 1013.12(3)(2)(b), and the State Fire Marshal may take necessary corrective action as authorized under s. 1013.12(6)(5).

Section 60. Subsection (5) of section 650.03, Florida Statutes, is amended to read:

650.03 Federal-state agreement; interstate instrumentalities.--

(5) For purposes of this chapter, employees of the institutions of higher learning under the Board of Governors of the State University System ~~Board of Regents~~ who are covered by the Teachers' Retirement System shall be deemed to be covered by a separate retirement system for each institution.

Section 61. Subsection (2) of section 943.1755, Florida Statutes, is amended to read:

943.1755 Florida Criminal Justice Executive Institute.--

(2) The institute is established within the Department of Law Enforcement and affiliated with the State University System. The Board of Governors of the State University System ~~Board of Regents~~ shall, in cooperation with the Department of Law Enforcement, determine the specific placement of the institute within the system.

Section 62. Subsection (5) of section 1000.01, Florida Statutes, is amended to read:

1000.01 The Florida K-20 education system; technical provisions.--

(5) EDUCATION GOVERNANCE TRANSFERS.--

(a) Effective July 1, 2001:



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1           1. The Board of Regents is abolished.

2           2. All of the powers, duties, functions, records,  
3 personnel, and property; unexpended balances of  
4 appropriations, allocations, and other funds; administrative  
5 authority; administrative rules; pending issues; and existing  
6 contracts of the Board of Regents are transferred by a type  
7 two transfer, pursuant to s. 20.06(2), to the State Board of  
8 Education.

9           3. The State Board of Community Colleges is abolished.

10          4. All of the powers, duties, functions, records,  
11 personnel, and property; unexpended balances of  
12 appropriations, allocations, and other funds; administrative  
13 authority; administrative rules; pending issues; and existing  
14 contracts of the State Board of Community Colleges are  
15 transferred by a type two transfer, pursuant to s. 20.06(2),  
16 from the Department of Education to the State Board of  
17 Education.

18          5. The Postsecondary Education Planning Commission is  
19 abolished.

20          6. The Council for Education Policy Research and  
21 Improvement is created as an independent office under the  
22 Office of Legislative Services.

23          7. All personnel, unexpended balances of  
24 appropriations, and allocations of the Postsecondary Education  
25 Planning Commission are transferred to the Council for  
26 Education Policy Research and Improvement.

27          8. The Articulation Coordinating Committee and the  
28 Education Standards Commission are transferred by a type two  
29 transfer, pursuant to s. 20.06(2), from the Department of  
30 Education to the State Board of Education.

31          (b) All rules of the State Board of Education, the

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1 Commissioner of Education, and the Department of Education,  
2 and all rules of the district school boards, the community  
3 college boards of trustees, and the state university boards of  
4 trustees, in effect on January 2, 2003, remain in effect until  
5 specifically amended or repealed in the manner provided by  
6 law.

7 (c) Effective January 7, 2003:

8 1. The administrative rules of the Department of  
9 Education and the Commissioner of Education shall become the  
10 rules of the State Board of Education.

11 2. The administrative rules of the State Board of  
12 Education shall become the rules of the appointed State Board  
13 of Education.

14 (d) All administrative rules of the State Board of  
15 Education, the Commissioner of Education, and the Department  
16 of Education are transferred by a type two transfer, as  
17 defined in s. 20.06(2), to the appointed State Board of  
18 Education.

19 (e) This act creating the Florida K-20 Education Code  
20 shall not affect the validity of any judicial or  
21 administrative action involving the Department of Education,  
22 pending on January 7, 2003. This act shall not affect the  
23 validity of any judicial or administrative action involving  
24 the Commissioner of Education or the State Board of Education,  
25 pending on January 7, 2003, and the appointed State Board of  
26 Education shall be substituted as a party of interest in any  
27 such action.

28 (f) Effective July 1, 2007, any powers, duties,  
29 functions, records, property, unexpended balances of  
30 appropriations, allocations, and other funds; administrative  
31 authority; administrative rules; pending issues; and existing

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1 contracts of the Board of Regents that were previously  
2 transferred to the State Board of Education after the Board of  
3 Regents was abolished pursuant to paragraph (a) are  
4 transferred to the Board of Governors in accordance with s.  
5 7(d), Art. IX of the State Constitution.

6 Section 63. Subsection (1) and paragraphs (b) and (c)  
7 of subsection (2) of section 1000.03, Florida Statutes, are  
8 amended to read:

9 1000.03 Function, mission, and goals of the Florida  
10 K-20 education system.--

11 (1) Florida's K-20 education system shall be a  
12 decentralized system without excess layers of bureaucracy. ~~The~~  
13 ~~State Board of Education may appoint on an ad hoc basis a~~  
14 ~~committee or committees to assist it on any and all issues~~  
15 ~~within the K-20 education system.~~ Florida's K-20 education  
16 system shall maintain a systemwide technology plan based on a  
17 common set of data definitions.

18 (2)

19 (b) With the exception of matters relating to the  
20 State University System, the State Board of Education shall  
21 oversee the enforcement of all laws and rules, and the timely  
22 provision of direction, resources, assistance, intervention  
23 when needed, and strong incentives and disincentives to force  
24 accountability for results.

25 (c) The Board of Governors shall oversee the  
26 enforcement of all state university laws and rules and  
27 regulations and the timely provision of direction, resources,  
28 assistance, intervention when needed, and strong incentives  
29 and disincentives to force accountability for results. ~~The~~  
30 ~~Commissioner of Education shall serve as chief executive~~  
31 ~~officer of the K-20 education system. The commissioner shall~~

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~~be responsible for enforcing compliance with the mission and goals of the K-20 education system. The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system.~~

Section 64. Paragraphs (d) and (e) of subsection (3) and subsections (4), (5), and (6) of section 1000.05, Florida Statutes, are amended to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.--

(3)

(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders.

1. The Board of Governors shall determine whether equal opportunities are available at state universities.

2. The Commissioner of Education shall determine whether equal opportunities are available in school districts and community colleges. In determining whether equal opportunities are available in school districts and community colleges, the Commissioner of Education shall consider, among other factors:

a.1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.

b.2. The provision of equipment and supplies.

c.3. Scheduling of games and practice times.

d.4. Travel and per diem allowances.

e.5. Opportunities to receive coaching and academic tutoring.

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1           ~~f.6.~~ Assignment and compensation of coaches and  
2 tutors.

3           ~~g.7.~~ Provision of locker room, practice, and  
4 competitive facilities.

5           ~~h.8.~~ Provision of medical and training facilities and  
6 services.

7           ~~i.9.~~ Provision of housing and dining facilities and  
8 services.

9           ~~j.10.~~ Publicity.

10

11 Unequal aggregate expenditures for members of each gender or  
12 unequal expenditures for male and female teams if a public  
13 school or community college ~~K-20 educational institution~~  
14 operates or sponsors separate teams do not constitute  
15 nonimplementation of this subsection, but the Commissioner of  
16 Education shall consider the failure to provide necessary  
17 funds for teams for one gender in assessing equality of  
18 opportunity for members of each gender.

19           (e) A public school or community college ~~K-20~~  
20 ~~educational institution~~ may provide separate toilet, locker  
21 room, and shower facilities on the basis of gender, but such  
22 facilities shall be comparable to such facilities provided for  
23 students of the other gender.

24           (4) Public schools and community colleges ~~Educational~~  
25 ~~institutions within the state public K-20 education system~~  
26 shall develop and implement methods and strategies to increase  
27 the participation of students of a particular race, ethnicity,  
28 national origin, gender, disability, or marital status in  
29 programs and courses in which students of that particular  
30 race, ethnicity, national origin, gender, disability, or  
31 marital status have been traditionally underrepresented,

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1 including, but not limited to, mathematics, science, computer  
2 technology, electronics, communications technology,  
3 engineering, and career education.

4 (5)(a) The State Board of Education shall adopt rules  
5 to implement this section as it relates to school districts  
6 and community colleges.

7 (b) The Board of Governors shall adopt rules to  
8 implement this section as it relates to state universities.

9 (6) The functions of the Office of Equal Educational  
10 Opportunity of the Department of Education shall include, but  
11 are not limited to:

12 (a) Requiring all district school boards and,  
13 community college boards of trustees, ~~and state university~~  
14 ~~boards of trustees~~ to develop and submit plans for the  
15 implementation of this section to the Department of Education.

16 (b) Conducting periodic reviews of school districts  
17 and community colleges ~~public K-20 educational agencies~~ to  
18 determine compliance with this section and, after a finding  
19 that a school district or a community college ~~an educational~~  
20 ~~agency~~ is not in compliance with this section, notifying the  
21 entity ~~agency~~ of the steps that it must take to attain  
22 compliance and performing followup monitoring.

23 (c) Providing technical assistance, including  
24 assisting school districts or community colleges ~~public K-20~~  
25 ~~educational agencies~~ in identifying unlawful discrimination  
26 and instructing them in remedies for correction and prevention  
27 of such discrimination and performing followup monitoring.

28 (d) Conducting studies of the effectiveness of methods  
29 and strategies designed to increase the participation of  
30 students in programs and courses in which students of a  
31 particular race, ethnicity, national origin, gender,

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1 disability, or marital status have been traditionally  
2 underrepresented and monitoring the success of students in  
3 such programs or courses, including performing followup  
4 monitoring.

5 (e) Requiring all district school boards and  
6 community college boards of trustees, ~~and state university~~  
7 ~~boards of trustees~~ to submit data and information necessary to  
8 determine compliance with this section. The Commissioner of  
9 Education shall prescribe the format and the date for  
10 submission of such data and any other educational equity data.  
11 If any board does not submit the required compliance data or  
12 other required educational equity data by the prescribed date,  
13 the commissioner shall notify the board of this fact and, if  
14 the board does not take appropriate action to immediately  
15 submit the required report, the State Board of Education shall  
16 impose monetary sanctions.

17 (f) Based upon rules of the State Board of Education,  
18 developing and implementing enforcement mechanisms with  
19 appropriate penalties to ensure that public K-12 schools and  
20 community colleges, ~~and state universities~~ comply with Title  
21 IX of the Education Amendments of 1972 and subsection (3) of  
22 this section. However, the State Board of Education may not  
23 force a public school or community college ~~an educational~~  
24 ~~agency~~ to conduct, nor penalize such entity ~~an educational~~  
25 ~~agency~~ for not conducting, a program of athletic activity or  
26 athletic scholarship for female athletes unless it is an  
27 athletic activity approved for women by a recognized  
28 association whose purpose is to promote athletics and a  
29 conference or league exists to promote interscholastic or  
30 intercollegiate competition for women in that athletic  
31 activity.

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1 (g) Reporting to the Commissioner of Education any  
2 district school board ~~or~~ community college board of trustees  
3 ~~or state university board of trustees~~ found to be out of  
4 compliance with rules of the State Board of Education adopted  
5 as required by paragraph (f) or paragraph (3)(d). To penalize  
6 the board, the State Board of Education shall:

7 1. Declare the school district or community college  
8 ~~educational agency~~ ineligible for competitive state grants.

9 2. Notwithstanding the provisions of s. 216.192,  
10 direct the Chief Financial Officer to withhold general revenue  
11 funds sufficient to obtain compliance from the school district  
12 or community college ~~educational agency~~.

13  
14 The school district or community college ~~educational agency~~  
15 shall remain ineligible and the funds shall not be paid until  
16 the institution ~~agency~~ comes into compliance or the State  
17 Board of Education approves a plan for compliance.

18 Section 65. Subsection (8) is added to section  
19 1000.21, Florida Statutes, to read:

20 1000.21 Systemwide definitions.--As used in the  
21 Florida K-20 Education Code:

22 (8) "Board of Governors" is the Board of Governors of  
23 the State University System.

24 Section 66. Section 1001.02, Florida Statutes, is  
25 amended to read:

26 1001.02 General powers of State Board of Education.--

27 (1) The State Board of Education is the chief  
28 implementing and coordinating body of public education in  
29 Florida except for the State University System, and it shall  
30 focus on high-level policy decisions. It has authority to  
31 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement



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1 the provisions of law conferring duties upon it for the  
2 improvement of the state system of K-20 public education  
3 except for the State University System. Except as otherwise  
4 provided herein, it may, as it finds appropriate, delegate its  
5 general powers to the Commissioner of Education or the  
6 directors of the divisions of the department.

7 (2) The State Board of Education has the following  
8 duties:

9 (a) To adopt comprehensive educational objectives for  
10 public education except for the State University System.

11 (b) To adopt comprehensive long-range plans and  
12 short-range programs for the development of the state system  
13 of public education except for the State University System.

14 (c) To exercise general supervision over the divisions  
15 of the Department of Education as necessary to ensure  
16 coordination of educational plans and programs and resolve  
17 controversies and to minimize problems of articulation and  
18 student transfers, to ensure that students moving from one  
19 level of education to the next have acquired competencies  
20 necessary for satisfactory performance at that level, and to  
21 ensure maximum utilization of facilities.

22 (d) To adopt, in consultation with the Board of  
23 Governors ~~for state universities and community colleges~~, and  
24 from time to time modify, minimum and uniform standards of  
25 college-level communication and computation skills generally  
26 associated with successful performance and progression through  
27 the baccalaureate level and to identify college-preparatory  
28 high school coursework and postsecondary-level coursework that  
29 prepares students with the academic skills necessary to  
30 succeed in postsecondary education.

31 (e) To adopt and submit to the Governor and

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1 Legislature, as provided in s. 216.023 ~~on or before September~~  
2 ~~1 of each year~~, a coordinated K-20 education budget that  
3 estimates the expenditure requirements for the Board of  
4 Governors, as provided in s. 1001.706, the State Board of  
5 Education, including the Department of Education and<sup>7</sup> the  
6 Commissioner of Education, and all of the boards,  
7 institutions, agencies, and services under the general  
8 supervision of the Board of Governors, as provided in s.  
9 1001.706, or the State Board of Education for the ensuing  
10 fiscal year. Any program recommended by the Board of Governors  
11 or the State Board of Education which will require increases  
12 in state funding for more than 1 year must be presented in a  
13 multiyear budget plan.

14 (f) To hold meetings, transact business, keep records,  
15 adopt a seal, and, except as otherwise provided by law,  
16 perform such other duties as may be necessary for the  
17 enforcement of ~~all~~ laws and rules relating to the state system  
18 of public education.

19 (g) To approve plans for cooperating with the Federal  
20 Government.

21 (h) To approve plans for cooperating with other public  
22 agencies in the development of rules and in the enforcement of  
23 laws for which the state board and such agencies are jointly  
24 responsible.

25 (i) To review plans for cooperating with appropriate  
26 nonpublic agencies for the improvement of conditions relating  
27 to the welfare of schools.

28 (j) To create such subordinate advisory bodies as are  
29 required by law or as it finds necessary for the improvement  
30 of education.

31 (k) To constitute any education bodies or other

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1 structures as required by federal law.

2 (l) To assist in the economic development of the state  
3 by developing a state-level planning process to identify  
4 future training needs for industry, especially high-technology  
5 industry.

6 (m) To assist in the planning and economic development  
7 of the state by establishing a clearinghouse for information  
8 on educational programs of value to economic development.

9 (n) To adopt cohesive rules pursuant to ss. 120.536(1)  
10 and 120.54, within statutory authority, ~~for education~~  
11 ~~systemwide issues.~~

12 (o) To authorize the allocation of resources in  
13 accordance with law and rule.

14 (p) To contract with independent institutions  
15 accredited by an agency whose standards are comparable to the  
16 minimum standards required to operate a postsecondary  
17 educational institution at that level in the state. The  
18 purpose of the contract is to provide those educational  
19 programs and facilities which will meet needs unfulfilled by  
20 the state system of public postsecondary education.

21 (q) To recommend that a district school board take  
22 action consistent with the state board's decision relating to  
23 an appeal of a charter school application.

24 (r) To enforce systemwide education goals and policies  
25 except as otherwise provided by law.

26 (s) To establish a detailed procedure for the  
27 implementation and operation of a systemwide K-20 technology  
28 plan that is based on a common set of data definitions.

29 (t) To establish accountability standards for existing  
30 legislative performance goals, standards, and measures, and  
31 order the development of mechanisms to implement new

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legislative goals, standards, and measures.

(u) To adopt criteria and implementation plans for future growth issues, such as new community colleges and community college universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(v) To develop, in conjunction with the Board of Governors, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

~~(w) To approve a new program at the professional level or doctoral level, if:~~

~~1. The university has taken into account the need and demand for the program, the university's mission, and similar program offerings by public and nonpublic counterparts.~~

~~2. The addition of the program will not alter the university's emphasis on undergraduate education.~~

~~(x) To review, and approve or disapprove, degree programs identified as unique pursuant to s. 1007.25.~~

~~(y) To recommend to the Legislature a plan for implementing block tuition programs and providing other incentives to encourage students to graduate within 4 years.~~

~~(3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The State Board of Education shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions~~

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~~pursuant to paragraph (2)(p). The report must specify, for each limited-access program within each institution, the following categories, by race and gender:~~

~~(a) The number of applicants.~~

~~(b) The number of applicants granted admission.~~

~~(c) The number of applicants who are granted admission and enroll.~~

~~(d) The number of applicants denied admission.~~

~~(e) The number of applicants neither granted admission nor denied admission.~~

~~Each category must be reported for each term. Each category must be reported by type of student, including the following subcategories: native students, community college associate in arts degree transfer students, and other students. Each category and subcategory must further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.~~

~~(4) The State Board of Education shall review, and approve or disapprove, baccalaureate degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education must report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the State Board of Education must determine whether the programs~~

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1 ~~still require more than the standard length of 120 hours.~~

2       (3)(5)(a) The State Board of Education shall adopt a  
3 ~~systemwide~~ strategic plan that specifies goals and objectives  
4 for the state's public schools ~~state universities~~ and  
5 community colleges. ~~In developing this plan, the State Board~~  
6 ~~of Education shall consider the role of individual public and~~  
7 ~~independent institutions within the state.~~ The plan shall be  
8 formulated in conjunction with plans of the Board of Governors  
9 in order to provide for the roles of the universities and  
10 community colleges to be coordinated to best meet state needs  
11 and reflect cost-effective use of state resources. The  
12 strategic plan must clarify mission statements and identify  
13 degree programs to be offered at each ~~university and~~ community  
14 college in accordance with the objectives provided in this  
15 subsection. The ~~systemwide~~ strategic plan must cover a period  
16 of 5 years, with modification of the program lists after 2  
17 years. Development of each 5-year plan must be coordinated  
18 with and initiated after completion of the master plan. The  
19 ~~systemwide and university and community college~~ strategic  
20 plans must specifically include programs and procedures for  
21 responding to the educational needs of teachers and students  
22 in the public schools of this state. The state board shall  
23 submit a report to the President of the Senate and the Speaker  
24 of the House of Representatives upon modification of the  
25 ~~system~~ plan.

26       (b) The State Board of Education and the Board of  
27 Governors shall jointly develop long-range plans and annual  
28 reports for financial aid in this state. The long-range plans  
29 shall establish goals and objectives for a comprehensive  
30 program of financial aid for Florida students and shall be  
31 updated every 5 years. The annual report shall include

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1 programs administered by the department as well as awards made  
2 from financial aid fee revenues, any other funds appropriated  
3 by the Legislature for financial assistance, and the value of  
4 tuition and fees waived for students enrolled in a dual  
5 enrollment course at a public postsecondary educational  
6 institution. The annual report shall include an assessment of  
7 progress made in achieving goals and objectives established in  
8 the long-range plans and recommendations for repealing or  
9 modifying existing financial aid programs or establishing new  
10 programs. A long-range plan shall be submitted by January 1,  
11 2004, and every 5 years thereafter. An annual report shall be  
12 submitted on January 1, 2004, and in each successive year that  
13 a long-range plan is not submitted, to the President of the  
14 Senate and the Speaker of the House of Representatives.

15 ~~(6) The State Board of Education shall coordinate the~~  
16 ~~programs with the Council for Education Policy Research and~~  
17 ~~Improvement, including doctoral programs. The programs shall~~  
18 ~~be reviewed every 5 years or whenever the state board~~  
19 ~~determines that the effectiveness or efficiency of a program~~  
20 ~~is jeopardized. The State Board of Education shall define the~~  
21 ~~indicators of quality and the criteria for program review for~~  
22 ~~every program. Such indicators include need, student demand,~~  
23 ~~industry-driven competencies for advanced technology and~~  
24 ~~related programs, and resources available to support~~  
25 ~~continuation. The results of the program reviews must be tied~~  
26 ~~to the university and community college budget requests.~~

27 ~~(4)(7)~~ The State Board of Education shall:

28 (a) Provide for each community college to offer  
29 educational training and service programs designed to meet the  
30 needs of both students and the communities served.

31 (b) Specify, by rule, procedures to be used by the

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1 community college boards of trustees in the annual evaluations  
2 of presidents and review the evaluations of presidents by the  
3 boards of trustees.

4 (c) Establish, in conjunction with the Board of  
5 Governors, an effective information system that will provide  
6 composite data concerning the community colleges and state  
7 universities and ensure that special analyses and studies  
8 concerning the institutions are conducted, as necessary, for  
9 provision of accurate and cost-effective information  
10 concerning the institutions.

11 (d) Establish criteria for making recommendations for  
12 modifying district boundary lines for community colleges.

13 (e) Establish criteria for making recommendations  
14 concerning all proposals for the establishment of additional  
15 centers or campuses for community colleges ~~and state~~  
16 ~~universities~~.

17 (f) Examine the annual administrative review of each  
18 community college ~~and state university~~.

19 (g) Specify, by rule, the college-credit ~~degree~~  
20 ~~program~~ courses that may be taken by community college  
21 students concurrently enrolled in college-preparatory  
22 instruction.

23 (h) Adopt and submit to the Legislature a 3-year list  
24 of priorities for fixed-capital-outlay projects.

25 ~~(5)(8)~~ The State Board of Education is responsible for  
26 reviewing and administering the state program of support for  
27 the community colleges and, subject to existing law, shall  
28 establish the tuition and out-of-state fees for  
29 college-preparatory instruction and for credit instruction  
30 that may be counted toward an associate in arts degree, an  
31 associate in applied science degree, or an associate in



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1 science degree.

2       ~~(6)(9)~~ The State Board of Education shall prescribe  
3 minimum standards, definitions, and guidelines for community  
4 colleges ~~and state universities~~ that will ensure the quality  
5 of education, coordination among the community colleges and  
6 state universities, and efficient progress toward  
7 accomplishing the community college ~~and state university~~  
8 mission. At a minimum, these rules must address:

9           (a) Personnel.

10          (b) Contracting.

11          (c) Program offerings and classification, including  
12 college-level communication and computation skills associated  
13 with successful performance in college and with tests and  
14 other assessment procedures that measure student achievement  
15 of those skills. The performance measures must provide that  
16 students moving from one level of education to the next  
17 acquire the necessary competencies for that level.

18          (d) Provisions for curriculum development, graduation  
19 requirements, college calendars, and program service areas.  
20 These provisions must include rules that:

21           1. Provide for the award of an associate in arts  
22 degree to a student who successfully completes 60 semester  
23 credit hours at the community college.

24           2. Require all of the credits accepted for the  
25 associate in arts degree to be in the statewide course  
26 numbering system as credits toward a baccalaureate degree  
27 offered by a state university or a community college.

28           3. Require no more than 36 semester credit hours in  
29 general education courses in the subject areas of  
30 communication, mathematics, social sciences, humanities, and  
31 natural sciences.

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The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.

(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

Section 67. Subsections (7), (8), (9), (10), and (13) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.--

(7) ARTICULATION ACCOUNTABILITY.--The State Board of Education shall develop articulation accountability measures that assess the status of systemwide articulation processes, in conjunction with the Board of Governors regarding the State University System, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008, in conjunction with the Board of Governors regarding the State University System.

(8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

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(9) MANAGEMENT INFORMATION DATABASES.--The State Board of Education, in conjunction with the Board of Governors regarding the State University System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.--The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

(13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The State Board of Education shall provide for the cyclic review of all academic programs in community colleges ~~and state universities~~ at least every 7 years. Program reviews shall document how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

Section 68. Section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.--

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing

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1 compliance with the mission and goals of the ~~seamless~~ K-20  
2 education system except for the State University System.

3 (2) The commissioner's office shall operate all  
4 statewide functions necessary to support the State Board of  
5 Education, including strategic planning and budget  
6 development, general administration, assessment, and  
7 accountability.

8 (3) To facilitate innovative practices and to allow  
9 local selection of educational methods, the State Board of  
10 Education may authorize the commissioner to waive, upon the  
11 request of a district school board, State Board of Education  
12 rules that relate to district school instruction and school  
13 operations, except those rules pertaining to civil rights, and  
14 student health, safety, and welfare. The Commissioner of  
15 Education is not authorized to grant waivers for any  
16 provisions in rule pertaining to the allocation and  
17 appropriation of state and local funds for public education;  
18 the election, compensation, and organization of school board  
19 members and superintendents; graduation and state  
20 accountability standards; financial reporting requirements;  
21 reporting of out-of-field teaching assignments under s.  
22 1012.42; public meetings; public records; or due process  
23 hearings governed by chapter 120. No later than January 1 of  
24 each year, the commissioner shall report to the Legislature  
25 and the State Board of Education all approved waiver requests  
26 in the preceding year.

27 (4) Additionally, the commissioner has the following  
28 general powers and duties:

29 (a)~~(1)~~ To appoint staff necessary to carry out his or  
30 her powers and duties.

31 (b)~~(2)~~ To advise and counsel with the State Board of

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1 Education on all matters pertaining to education; to recommend  
2 to the State Board of Education actions and policies as, in  
3 the commissioner's opinion, should be acted upon or adopted;  
4 and to execute or provide for the execution of all acts and  
5 policies as are approved.

6 (c)~~(3)~~ To keep such records as are necessary to set  
7 forth clearly all acts and proceedings of the State Board of  
8 Education.

9 (d)~~(4)~~ To have a seal for his or her office with  
10 which, in connection with his or her own signature, the  
11 commissioner shall authenticate true copies of decisions,  
12 acts, or documents.

13 (e)~~(5)~~ To recommend to the State Board of Education  
14 policies and steps designed to protect and preserve the  
15 principal of the State School Fund; to provide an assured and  
16 stable income from the fund; to execute such policies and  
17 actions as are approved; and to administer the State School  
18 Fund.

19 (f)~~(6)~~ To take action on the release of mineral rights  
20 based upon the recommendations of the Board of Trustees of the  
21 Internal Improvement Trust Fund.

22 (g)~~(7)~~ To submit to the State Board of Education, on  
23 or before October 1 ~~August 1~~ of each year, recommendations for  
24 a coordinated K-20 education budget that estimates the  
25 expenditures for the Board of Governors, the State Board of  
26 Education, including the Department of Education and, the  
27 Commissioner of Education, and all of the boards,  
28 institutions, agencies, and services under the general  
29 supervision of the Board of Governors or the State Board of  
30 Education for the ensuing fiscal year. Any program recommended  
31 to the State Board of Education that will require increases in

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1 state funding for more than 1 year must be presented in a  
2 multiyear budget plan.

3       ~~(h)(8)~~ To develop and implement a plan for cooperating  
4 with the Federal Government in carrying out any or all phases  
5 of the educational program and to recommend policies for  
6 administering funds that are appropriated by Congress and  
7 apportioned to the state for any or all educational purposes.  
8 The Commissioner of Education shall submit to the Legislature  
9 the proposed state plan for the reauthorization of the No  
10 Child Left Behind Act before the proposed plan is submitted to  
11 federal agencies. The President of the Senate and the Speaker  
12 of the House of Representatives shall appoint members of the  
13 appropriate education and appropriations committees to serve  
14 as a select committee to review the proposed plan.

15       ~~(i)(9)~~ To develop and implement policies for  
16 cooperating with other public agencies in carrying out those  
17 phases of the program in which such cooperation is required by  
18 law or is deemed by the commissioner to be desirable and to  
19 cooperate with public and nonpublic agencies in planning and  
20 bringing about improvements in the educational program.

21       ~~(j)(10)~~ To prepare forms and procedures as are  
22 necessary to be used by district school boards and all other  
23 educational agencies to assure uniformity, accuracy, and  
24 efficiency in the keeping of records, the execution of  
25 contracts, the preparation of budgets, or the submission of  
26 reports; and to furnish at state expense, when deemed  
27 advisable by the commissioner, those forms that can more  
28 economically and efficiently be provided.

29       ~~(k)(11)~~ To implement a program of school improvement  
30 and education accountability designed to provide all students  
31 the opportunity to make adequate learning gains in each year

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1 of school as provided by statute and State Board of Education  
2 rule based upon the achievement of the state education goals,  
3 recognizing the following:

4 ~~(a) The State Board of Education is the body corporate~~  
5 ~~responsible for the supervision of the system of public~~  
6 ~~education.~~

7 1.(b) The district school board is responsible for  
8 school and student performance.

9 2.(c) The individual school is the unit for education  
10 accountability.

11 3.(d) The community college board of trustees is  
12 responsible for community college performance and student  
13 performance.

14 ~~(e) The university board of trustees is responsible~~  
15 ~~for university performance and student performance.~~

16 (1)(12) To maintain ~~establish~~ a Citizen Information  
17 Center responsible for the preparation, publication, and  
18 dissemination ~~distribution~~ of user-friendly materials relating  
19 to the state's ~~state system of seamless K-20 public~~ education  
20 system, including the state's K-12 scholarship programs and  
21 the Voluntary Prekindergarten Education Program.

22 (m)(13) To prepare and publish annually reports giving  
23 statistics and other useful information pertaining to the  
24 state's K-12 scholarship programs and the Voluntary  
25 Prekindergarten Education Program ~~Opportunity Scholarship~~  
26 ~~Program.~~

27 (n)(14) To have printed or electronic copies of school  
28 laws, forms, instruments, instructions, and rules of the State  
29 Board of Education and provide for their distribution.

30 (o)(15) To develop criteria for use by state  
31 instructional materials committees in evaluating materials

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1 submitted for adoption consideration. The criteria shall, as  
2 appropriate, be based on instructional expectations reflected  
3 in curriculum frameworks and student performance standards.  
4 The criteria for each subject or course shall be made  
5 available to publishers of instructional materials pursuant to  
6 the requirements of chapter 1006.

7 ~~(p)(16)~~ To prescribe procedures for evaluating  
8 instructional materials submitted by publishers and  
9 manufacturers in each adoption.

10 ~~(q)(17)~~ To enter into agreement with Space Florida to  
11 develop innovative aerospace-related education programs that  
12 promote mathematics and science education for grades K-20.

13

14 ~~The commissioner's office shall operate all statewide~~  
15 ~~functions necessary to support the State Board of Education~~  
16 ~~and the K-20 education system, including strategic planning~~  
17 ~~and budget development, general administration, and assessment~~  
18 ~~and accountability.~~

19 Section 69. Paragraph (d) of subsection (1), paragraph  
20 (a) of subsection (2), and subsection (3) of section 1001.11,  
21 Florida Statutes, are amended to read:

22 1001.11 Commissioner of Education; other duties.--

23 (1) The Commissioner of Education must independently  
24 perform the following duties:

25 (d) Integrally work with the boards of trustees of the  
26 ~~state universities and~~ community colleges.

27 (2)(a) The Commissioner of Education shall annually  
28 report the state's educational performance on state and  
29 national measures and shall recommend to the State Board of  
30 Education performance goals addressing the educational needs  
31 of the state ~~for the K-20 education system. The Council for~~



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~~Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By January 1 of each year, the Council for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.~~

~~(b) Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.~~

(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, and the Board of Governors regarding the State University System, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:

(a) Growth at the institutions.

(b) Need for specific skills statewide.

(c) Need for maintaining and repairing existing facilities.

Section 70. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.--

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1           (4) The Department of Education shall establish the  
2 following offices within the Office of the Commissioner of  
3 Education which shall coordinate their activities with all  
4 other divisions and offices:

5           (e) Office of Inspector General.--Organized using  
6 existing resources and funds and responsible for promoting  
7 accountability, efficiency, and effectiveness and detecting  
8 fraud and abuse within school districts, the Florida School  
9 for the Deaf and the Blind, and community colleges, ~~and state~~  
10 ~~universities~~ in Florida. If the Commissioner of Education  
11 determines that a district school board, the Board of Trustees  
12 for the Florida School for the Deaf and the Blind, or a  
13 community college ~~public postsecondary educational institution~~  
14 board of trustees is unwilling or unable to address  
15 substantiated allegations made by any person relating to  
16 waste, fraud, or financial mismanagement within the school  
17 district, the Florida School for the Deaf and the Blind, or  
18 the community college, the office shall conduct, coordinate,  
19 or request investigations into such substantiated allegations  
20 ~~made by any person relating to waste, fraud, or financial~~  
21 ~~mismanagement within school districts, the Florida School for~~  
22 ~~the Deaf and the Blind, community colleges, and state~~  
23 ~~universities in Florida~~. The office shall have access to all  
24 information and personnel necessary to perform its duties and  
25 shall have all of its current powers, duties, and  
26 responsibilities authorized in s. 20.055.

27           Section 71. Section 1001.28, Florida Statutes, is  
28 amended to read:

29           1001.28 Distance learning duties.--The duties of the  
30 Department of Education concerning distance learning include,  
31 but are not limited to, the duty to:

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1           (1) Facilitate the implementation of a statewide  
2 coordinated system and resource system for cost-efficient  
3 advanced telecommunications services and distance education  
4 which will increase overall student access to education.

5           (2) Coordinate the use of existing resources,  
6 including, but not limited to, the state's satellite  
7 transponders on the education satellites, the SUNCOM Network,  
8 the Florida Information Resource Network (FIRN), the  
9 Department of Management Services, the Department of  
10 Corrections, and the Department of Children and Family  
11 Services' satellite communication facilities to support a  
12 statewide advanced telecommunications services and distance  
13 learning network.

14           (3) Assist in the coordination of the utilization of  
15 the production and uplink capabilities available through  
16 Florida's public television stations, eligible facilities,  
17 independent colleges and universities, private firms, and  
18 others as needed.

19           (4) Seek the assistance and cooperation of Florida's  
20 cable television providers in the implementation of the  
21 statewide advanced telecommunications services and distance  
22 learning network.

23           (5) Seek the assistance and cooperation of Florida's  
24 telecommunications carriers to provide affordable student  
25 access to advanced telecommunications services and to distance  
26 learning.

27           (6) Coordinate partnerships for development,  
28 acquisition, use, and distribution of distance learning.

29           (7) Secure and administer funding for programs and  
30 activities for distance learning from federal, state, local,  
31 and private sources and from fees derived from services and

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1 materials.

2           (8) Manage the state's satellite transponder resources  
3 and enter into lease agreements to maximize the use of  
4 available transponder time. All net revenue realized through  
5 the leasing of available transponder time, after deducting the  
6 costs of performing the management function, shall be recycled  
7 to support the public education distance learning in this  
8 state based upon an allocation formula of one-third to the  
9 Department of Education, one-third to community colleges, and  
10 one-third to state universities.

11           (9) Hire appropriate staff which may include a  
12 position that shall be exempt from part II of chapter 110 and  
13 is included in the Senior Management Service in accordance  
14 with s. 110.205.

15  
16 Nothing in this section shall be construed to abrogate,  
17 supersede, alter, or amend the powers and duties of any state  
18 agency, district school board, community college board of  
19 trustees, university board of trustees, the Board of  
20 Governors, or the State Board of Education.

21           Section 72. Subsection (17) of section 1001.64,  
22 Florida Statutes, is amended to read:

23           1001.64 Community college boards of trustees; powers  
24 and duties.--

25           (17) Each board of trustees is accountable for  
26 performance in certificate career education and diploma  
27 programs pursuant to s. 1008.43 ~~1008.44~~.

28           Section 73. Section 1001.70, Florida Statutes, is  
29 amended to read:

30           1001.70 Board of Governors of the State University  
31 System.--

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1       (1) Pursuant to s. 7(d), Art. IX of the State  
2 Constitution, the Board of Governors is established as a body  
3 corporate comprised of 17 members as follows: 14 citizen  
4 members appointed by the Governor subject to confirmation by  
5 the Senate; the Commissioner of Education; the chair of the  
6 advisory council of faculty senates or the equivalent; and the  
7 president of the Florida student association or the  
8 equivalent. The appointed members shall serve staggered 7-year  
9 terms. In order to achieve staggered terms, beginning July 1,  
10 2003, of the initial appointments, 4 members shall serve  
11 2-year terms, 5 members shall serve 3-year terms, and 5  
12 members shall serve 7-year terms.

13       (2) Members of the Board of Governors shall receive no  
14 compensation but may be reimbursed for travel and per diem  
15 expenses as provided in s. 112.061.

16       (3) The Board of Governors, in exercising its  
17 authority under the State Constitution and statutes, shall  
18 exercise its authority in a manner that supports, promotes,  
19 and enhances a K-20 education system that provides affordable  
20 access to postsecondary educational opportunities for  
21 residents of the state to the extent authorized by the State  
22 Constitution and state law.

23       Section 74. Section 1001.706, Florida Statutes, is  
24 created to read:

25       1001.706 Powers and duties of the Board of  
26 Governors.--

27       (1) GENERAL PROVISIONS.--

28       (a) For each constituent university, the Board of  
29 Governors, or the board's designee, shall be responsible for  
30 cost-effective policy decisions appropriate to the  
31 university's mission, the implementation and maintenance of

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1 high-quality education programs within law, the measurement of  
2 performance, the reporting of information, and the provision  
3 of input regarding state policy, budgeting, and education  
4 standards.

5 (b) The Board of Governors shall adopt rules pursuant  
6 to chapter 120 when acting pursuant to statutory authority  
7 derived from the Legislature. The Board of Governors may adopt  
8 rules pursuant to chapter 120 when exercising the powers,  
9 duties, and authority granted by s. 7, Art. IX of the State  
10 Constitution.

11 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND  
12 OPERATION OF STATE UNIVERSITIES.--

13 (a) The Board of Governors, or the board's designee,  
14 shall develop guidelines and procedures related to data and  
15 technology, including information systems, communications  
16 systems, computer hardware and software, and networks.

17 (b) The Board of Governors shall develop guidelines  
18 relating to divisions of sponsored research, pursuant to the  
19 provisions of s. 1004.22, to serve the function of  
20 administration and promotion of the programs of research.

21 (c) The Board of Governors shall prescribe conditions  
22 for direct-support organizations and university health  
23 services support organizations to be certified and to use  
24 university property and services. Conditions relating to  
25 certification must provide for audit review and oversight by  
26 the Board of Governors.

27 (d) The Board of Governors shall develop guidelines  
28 for supervising faculty practice plans for the academic health  
29 science centers.

30 (e) The Board of Governors shall ensure that students  
31 at state universities have access to general education courses

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1 as provided in the statewide articulation agreement, pursuant  
2 to s. 1007.23.

3 (f) The Board of Governors shall approve baccalaureate  
4 degree programs that require more than 120 semester credit  
5 hours of coursework prior to such programs being offered by a  
6 state university. At least half of the required coursework for  
7 any baccalaureate degree must be offered at the lower-division  
8 level, except in program areas approved by the Board of  
9 Governors.

10 (g) The Board of Governors, or the board's designee,  
11 shall adopt a written antihazing policy, appropriate penalties  
12 for violations of such policy, and a program for enforcing  
13 such policy.

14 (h) The Board of Governors, or the board's designee,  
15 may establish a uniform code of conduct and appropriate  
16 penalties for violations of its rules by students and student  
17 organizations, including rules governing student academic  
18 honesty. Such penalties, unless otherwise provided by law, may  
19 include reasonable fines, the withholding of diplomas or  
20 transcripts pending compliance with rules or payment of fines,  
21 and the imposition of probation, suspension, or dismissal.

22 (3) POWERS AND DUTIES RELATING TO FINANCE.--

23 (a) The Board of Governors, or the board's designee,  
24 shall account for expenditures of all state, local, federal,  
25 and other funds. Such accounting systems shall have  
26 appropriate audit and internal controls in place that will  
27 enable the constituent universities to satisfactorily and  
28 timely perform all accounting and reporting functions required  
29 by state and federal law and rules.

30 (b) The Board of Governors shall prepare the  
31 legislative budget requests for the State University System,

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1 including a request for fixed capital outlay, and submit them  
2 to the State Board of Education for inclusion in the K-20  
3 legislative budget request. The Board of Governors shall  
4 provide the state universities with fiscal policy guidelines,  
5 formats, and instruction for the development of individual  
6 university budget requests.

7 (c) The Board of Governors, or the board's designee,  
8 shall establish tuition and fees pursuant to ss. 1009.24 and  
9 1009.26.

10 (d) The Board of Governors, or the board's designee,  
11 is authorized to secure comprehensive general liability  
12 insurance pursuant to s. 1004.24.

13 (4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

14 (a) The Board of Governors shall develop a strategic  
15 plan specifying goals and objectives for the State University  
16 System and each constituent university.

17 (b) The Board of Governors shall develop an  
18 accountability plan for the State University System and each  
19 constituent university.

20 (c) The Board of Governors shall maintain an effective  
21 information system to provide accurate, timely, and  
22 cost-effective information about each university. The board  
23 shall continue to collect and maintain, at a minimum, the  
24 management information databases as such databases existed on  
25 June 30, 2002.

26 (d) If the Board of Governors of the State University  
27 System determines that a state university board of trustees is  
28 unwilling or unable to address substantiated allegations made  
29 by any person relating to waste, fraud, or financial  
30 mismanagement within the state university, the Office of the  
31 Inspector General shall investigate the allegations.



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1        (5) POWERS AND DUTIES RELATING TO PERSONNEL.--

2        (a) The Board of Governors, or the board's designee,  
 3 shall establish the personnel program for all employees of a  
 4 state university, including the president.

5        (b) The Department of Management Services shall retain  
 6 authority over state university employees for programs  
 7 established in ss. 110.123, 110.161, 110.1232, 110.1234, and  
 8 110.1238 and in chapters 121, 122, and 238. Unless  
 9 specifically authorized by law, neither the Board of Governors  
 10 nor a state university may offer group insurance programs for  
 11 employees as a substitute for or as an alternative to the  
 12 health insurance programs offered pursuant to chapter 110.

13        (c) Except as otherwise provided by law, university  
 14 employees are public employees for purposes of chapter 112 and  
 15 any payment for travel and per diem expenses shall not exceed  
 16 the level specified in s. 112.061.

17        (6) POWERS AND DUTIES RELATING TO PROPERTY.--

18        (a) The Board of Governors shall develop guidelines  
 19 for university boards of trustees relating to the acquisition  
 20 of real and personal property and the sale and disposal  
 21 thereof and the approval and execution of contracts for the  
 22 purchase, sale, lease, license, or acquisition of commodities,  
 23 goods, equipment, contractual services, leases of real and  
 24 personal property, and construction. The acquisition may  
 25 include purchase by installment or lease-purchase. Such  
 26 contracts may provide for payment of interest on the unpaid  
 27 portion of the purchase price. Title to all real property  
 28 acquired prior to January 7, 2003, and to all real property  
 29 acquired with funds appropriated by the Legislature shall be  
 30 vested in the Board of Trustees of the Internal Improvement  
 31 Trust Fund and shall be transferred and conveyed by it.

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1 Notwithstanding any other provisions of this subsection, each  
2 board of trustees shall comply with the provisions of s.  
3 287.055 for the procurement of professional services as  
4 defined therein. Any acquisition pursuant to this paragraph is  
5 subject to the provisions of s. 1010.62.

6 (b) The Board of Governors shall develop guidelines  
7 for university boards of trustees relating to the use,  
8 maintenance, protection, and control of university-owned or  
9 university-controlled buildings and grounds, property and  
10 equipment, name, trademarks and other proprietary marks, and  
11 the financial and other resources of the university. Such  
12 authority may include placing restrictions on activities and  
13 on access to facilities, firearms, food, tobacco, alcoholic  
14 beverages, distribution of printed materials, commercial  
15 solicitation, animals, and sound. The authority provided the  
16 board of trustees in this subsection includes the  
17 prioritization of the use of space, property, equipment, and  
18 resources and the imposition of charges for those items.

19 (c) The Board of Governors, or the board's designee,  
20 shall administer a program for the maintenance and  
21 construction of facilities pursuant to chapter 1013.

22 (d) The Board of Governors, or the board's designee,  
23 shall ensure compliance with the provisions of s. 287.09451  
24 for all procurement and ss. 255.101 and 255.102 for  
25 construction contracts, and rules adopted pursuant thereto,  
26 relating to the utilization of minority business enterprises,  
27 except that procurements costing less than the amount provided  
28 for in CATEGORY FIVE as provided in s. 287.017 shall not be  
29 subject to s. 287.09451.

30 (e) Notwithstanding the provisions of s. 253.025 but  
31 subject to the provisions of s. 1010.62, the Board of

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1 Governors, or the board's designee, may, with the consent of  
2 the Board of Trustees of the Internal Improvement Trust Fund,  
3 sell, convey, transfer, exchange, trade, or purchase real  
4 property and related improvements necessary and desirable to  
5 serve the needs and purposes of the university.

6 1. The Board of Governors, or the board's designee,  
7 may secure appraisals and surveys. The Board of Governors, or  
8 the board's designee, shall comply with the rules of the Board  
9 of Trustees of the Internal Improvement Trust Fund in securing  
10 appraisals. Whenever the Board of Governors, or the board's  
11 designee, finds it necessary for timely property acquisition,  
12 it may contract, without the need for competitive selection,  
13 with one or more appraisers whose names are contained on the  
14 list of approved appraisers maintained by the Division of  
15 State Lands in the Department of Environmental Protection.

16 2. The Board of Governors, or the board's designee,  
17 may negotiate and enter into an option contract before an  
18 appraisal is obtained. The option contract must state that the  
19 final purchase price may not exceed the maximum value allowed  
20 by law. The consideration for such an option contract may not  
21 exceed 10 percent of the estimate obtained by the Board of  
22 Governors, or the board's designee, or 10 percent of the value  
23 of the parcel, whichever is greater, unless otherwise  
24 authorized by the Board of Governors or the board's designee.

25 3. This paragraph is not intended to abrogate in any  
26 manner the authority delegated to the Board of Trustees of the  
27 Internal Improvement Trust Fund or the Division of State Lands  
28 to approve a contract for purchase of state lands or to  
29 require policies and procedures to obtain clear legal title to  
30 parcels purchased for state purposes. Title to property  
31 acquired by a university board of trustees prior to January 7,

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1 2003, and to property acquired with funds appropriated by the  
2 Legislature shall vest in the Board of Trustees of the  
3 Internal Improvement Trust Fund.

4 (f) The Board of Governors, or the board's designee,  
5 shall prepare and adopt a campus master plan pursuant to s.  
6 1013.30.

7 (g) The Board of Governors, or the board's designee,  
8 shall prepare, adopt, and execute a campus development  
9 agreement pursuant to s. 1013.30.

10 (h) Notwithstanding the provisions of s. 216.351, the  
11 Board of Governors, or the board's designee, may authorize the  
12 rent or lease of parking facilities provided that such  
13 facilities are funded through parking fees or parking fines  
14 imposed by a university. The Board of Governors, or the  
15 board's designee, may authorize a university board of trustees  
16 to charge fees for parking at such rented or leased parking  
17 facilities.

18 (7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND  
19 REQUIREMENTS.--The Board of Governors has responsibility for  
20 compliance with state and federal laws, rules, regulations,  
21 and requirements.

22 (8) COOPERATION WITH OTHER BOARDS.--The Board of  
23 Governors shall implement a plan for working on a regular  
24 basis with the State Board of Education, the Commission for  
25 Independent Education, the university boards of trustees,  
26 representatives of the community college boards of trustees,  
27 representatives of the private colleges and universities, and  
28 representatives of the district school boards to achieve a  
29 seamless education system.

30 (9) The Board of Governors is prohibited from  
31 assessing any fee on state universities, unless specifically

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1 authorized by law.

2           Section 75. Subsections (3) and (4) of section  
3 1001.71, Florida Statutes, are amended to read:

4           1001.71 University boards of trustees; membership.--

5           (3) University boards of trustees are a part of the  
6 executive branch of state government. ~~Each board of trustees~~  
7 ~~shall select its chair and vice chair from the appointed~~  
8 ~~members at its first regular meeting after July 1. The chair~~  
9 ~~shall serve for 2 years and may be reselected for one~~  
10 ~~additional consecutive term. The duties of the chair shall~~  
11 ~~include presiding at all meetings of the board of trustees,~~  
12 ~~calling special meetings of the board of trustees, and~~  
13 ~~attesting to actions of the board of trustees. The duty of the~~  
14 ~~vice chair is to act as chair during the absence or disability~~  
15 ~~of the chair.~~

16           ~~(4) The university president shall serve as executive~~  
17 ~~officer and corporate secretary of the board of trustees and~~  
18 ~~shall be responsible to the board of trustees for all~~  
19 ~~operations of the university and for setting the agenda for~~  
20 ~~meetings of the board of trustees in consultation with the~~  
21 ~~chair.~~

22           Section 76. Section 1001.72, Florida Statutes, is  
23 amended to read:

24           1001.72 University boards of trustees; boards to  
25 constitute a corporation.--

26           (1) Each board of trustees shall be a public body  
27 corporate by the name of "The (name of university) Board of  
28 Trustees," with all the powers of a body corporate, including  
29 the power to adopt a corporate seal, to contract and be  
30 contracted with, to sue and be sued, to plead and be impleaded  
31 in all courts of law or equity, and to give and receive

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1 donations. In all suits against a board of trustees, service  
2 of process shall be made on the chair of the board of trustees  
3 or, in the absence of the chair, on the corporate secretary or  
4 designee.

5 ~~(2) It is the intent of the Legislature that the~~  
6 ~~university boards of trustees are not departments of the~~  
7 ~~executive branch of state government within the scope and~~  
8 ~~meaning of s. 6, Art. IV of the State Constitution.~~

9 ~~(2)(3)~~ The corporation is constituted as a public  
10 instrumentality, and the exercise by the corporation of the  
11 power conferred by this section is considered to be the  
12 performance of an essential public function. ~~The corporation~~  
13 ~~shall constitute an agency for the purposes of s. 120.52.~~ The  
14 corporation is subject to chapter 119 and s. 24, Art. I of the  
15 State Constitution, subject to exceptions applicable to the  
16 corporation, and to the provisions of chapter 286; however,  
17 the corporation shall be entitled to provide notice of  
18 internal review committee meetings for competitive proposals  
19 or procurement to applicants by mail or facsimile rather than  
20 by means of publication. The corporation is not governed by  
21 chapter 607, but by the provisions of this part. The  
22 corporation shall maintain coverage under the State Risk  
23 Management Trust Fund as provided in chapter 284.

24 ~~(4) No bureau, department, division, agency, or~~  
25 ~~subdivision of the state shall exercise any responsibility and~~  
26 ~~authority to operate any state university except as~~  
27 ~~specifically provided by law or rules of the State Board of~~  
28 ~~Education. This section shall not prohibit any department,~~  
29 ~~bureau, division, agency, or subdivision of the state from~~  
30 ~~providing access to programs or systems or providing other~~  
31 ~~assistance to a state university pursuant to an agreement~~

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~~between the board of trustees and such department, bureau,  
division, agency, or subdivision of the state.~~

~~(5) University boards of trustees shall be  
corporations primarily acting as instrumentalities or agencies  
of the state, pursuant to s. 768.28(2), for purposes of  
sovereign immunity.~~

Section 77. Subsections (2) and (4) of section  
1001.73, Florida Statutes, are amended to read:

1001.73 University board empowered to act as  
trustee.--

(2) Deeds, mortgages, leases, and other contracts of  
the university board of trustees relating to real property of  
any such trust or any interest therein may be executed by the  
university board of trustees, as trustee, in the same manner  
as is provided by the laws of the state for the execution of  
similar documents by other corporations or may be executed by  
the signatures of a majority of the members of the board of  
trustees; however, to be effective, any such deed, mortgage,  
or lease contract for more than 10 years of any trust  
property, executed hereafter by the university board of  
trustees, shall be approved by a resolution of the Board of  
Governors ~~State Board of Education~~; and such approving  
resolution may be evidenced by the signature of either the  
chair or the secretary of the Board of Governors ~~State Board~~  
~~of Education~~ to an endorsement on the instrument approved,  
reciting the date of such approval, and bearing the seal of  
the Board of Governors ~~State Board of Education~~. Such signed  
and sealed endorsement shall be a part of the instrument and  
entitled to record without further proof.

(4) Nothing herein shall be construed to authorize a  
university board of trustees to contract a debt on behalf of,

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or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the provisions of ~~ss. 1010.61-1010.619~~ or s. 1013.78; and any mortgage, lease, or other agreement entered into pursuant to this section is subject to the provisions of s. 1010.62.

Section 78. Section 1001.74, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1001.74, F.S., for present text.)

1001.74 Powers and duties of university boards of trustees.--

(1) GENERAL PROVISIONS.--

(a) Pursuant to s. 7(c), Art. IX of the State Constitution and except as otherwise provided by law, the Board of Governors shall establish the powers and duties of the university boards of trustees.

(b) To the extent delegated by the Board of Governors pursuant to s. 1001.706, the boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and guidelines of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(c) Each board of trustees is vested with the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of



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(d) Each board of trustees shall perform all duties assigned by law or by the Board of Governors.

(e) Each board of trustees shall adopt rules pursuant to chapter 120 when acting pursuant to statutory authority derived from the Legislature. Each board of trustees may adopt rules pursuant to chapter 120 when exercising the powers, duties, and authority granted by s. 7, Art. IX of the State Constitution.

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.--

(a) Each board of trustees constitutes the contracting agent of the university. Each university shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment. For the purpose of a university's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000. Contracts executed pursuant to this paragraph are subject to the requirements of s. 1010.62.

(b) Each board of trustees shall submit to the Board of Governors, for approval, all new campuses and instructional centers.

(c) Each board of trustees has responsibility for requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of

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(d) Each board of trustees has responsibility for ensuring that students have access to general education courses as provided in the statewide articulation agreement, pursuant to s. 1007.23.

(e) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(f) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(g) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 and guidelines of the Board of Governors to serve the function of administration and promotion of the programs of research.

(h) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(i) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall develop guidelines and procedures related to data and technology,

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1 including information systems, communications systems,  
2 computer hardware and software, and networks.

3 (j) Each board of trustees shall govern traffic on its  
4 campus pursuant to s. 1006.66.

5 (k) A board of trustees has responsibility for  
6 supervising faculty practice plans for the academic health  
7 science centers pursuant to guidelines of the Board of  
8 Governors.

9 (l) Each board of trustees may certify direct-support  
10 organizations and university health services support  
11 organizations to use university property and services in  
12 accordance with guidelines of the Board of Governors.

13 (m) Each board of trustees may establish educational  
14 research centers for child development pursuant to s. 1011.48.

15 (3) POWERS AND DUTIES RELATING TO FINANCE.--

16 (a) To the extent delegated by the Board of Governors  
17 pursuant to s. 1001.706, each board of trustees shall account  
18 for expenditures of all state, local, federal, and other  
19 funds. Such accounting systems shall have appropriate audit  
20 and internal controls in place that will enable the university  
21 to satisfactorily and timely perform all accounting and  
22 reporting functions required by state and federal law and  
23 rules.

24 (b) Each board of trustees shall submit an  
25 institutional budget request, including a request for fixed  
26 capital outlay, and an operating budget to the Board of  
27 Governors for approval in accordance with guidelines  
28 established by the Board of Governors.

29 (c) To the extent delegated by the Board of Governors  
30 pursuant to s. 1001.706, each board of trustees shall  
31 establish tuition and fees pursuant to ss. 1009.24 and

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1009.26.

(d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.

(e) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.

(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

(a) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to and approval by the Board of Governors.

(b) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the Board of Governors.

(c) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university pursuant to guidelines of the Board of Governors.

(5) POWERS AND DUTIES RELATING TO PERSONNEL.--

(a) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish the personnel program for all employees of the university, including the president.

(b) The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.161, 110.1232, 110.1234, and

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110.1238 and in chapters 121, 122, and 238. Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110.

(c) Except as otherwise provided by law, university employees are public employees for purposes of chapter 112 and the payment for travel and per diem shall not exceed the level specified in s. 112.061.

(6) POWERS AND DUTIES RELATING TO PROPERTY.--

(a) Each board of trustees shall have the authority to acquire real and personal property and contract for its sale and disposal and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction in accordance with law and guidelines of the Board of Governors. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this paragraph is subject to the provisions of s. 1010.62.

(b) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of

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1 university-owned or university-controlled buildings and  
 2 grounds, property and equipment, name, trademarks and other  
 3 proprietary marks, and the financial and other resources of  
 4 the university pursuant to guidelines of the Board of  
 5 Governors. Such authority may include placing restrictions on  
 6 activities and on access to facilities, firearms, food,  
 7 tobacco, alcoholic beverages, distribution of printed  
 8 materials, commercial solicitation, animals, and sound. The  
 9 authority vested in the board of trustees in this subsection  
 10 includes the prioritization of the use of space, property,  
 11 equipment, and resources and the imposition of charges for  
 12 those items.

13 (c) To the extent delegated by the Board of Governors  
 14 pursuant to s. 1001.706, each board of trustees shall  
 15 administer a program for the maintenance and construction of  
 16 facilities pursuant to chapter 1013.

17 (d) To the extent delegated by the Board of Governors  
 18 pursuant to s. 1001.706, each board of trustees shall ensure  
 19 compliance with the provisions of s. 287.09451 for all  
 20 procurement and ss. 255.101 and 255.102 for construction  
 21 contracts, and rules adopted pursuant thereto, relating to the  
 22 utilization of minority business enterprises, except that  
 23 procurements costing less than the amount provided for in  
 24 CATEGORY FIVE as provided in s. 287.017 shall not be subject  
 25 to s. 287.09451.

26 (e) Each board of trustees may exercise the right of  
 27 eminent domain pursuant to the provisions of chapter 1013. Any  
 28 suits or actions brought by the board of trustees shall be  
 29 brought in the name of the board of trustees, and the  
 30 Department of Legal Affairs shall conduct the proceedings for,  
 31 and act as the counsel of, the board of trustees.

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1        (f) Notwithstanding the provisions of s. 253.025 but  
 2 subject to the provisions of s. 1010.62, each board of  
 3 trustees may, to the extent delegated by the Board of  
 4 Governors pursuant to s. 1001.706 and with the consent of the  
 5 Board of Trustees of the Internal Improvement Trust Fund,  
 6 sell, convey, transfer, exchange, trade, or purchase real  
 7 property and related improvements necessary and desirable to  
 8 serve the needs and purposes of the university.

9        1. To the extent delegated by the Board of Governors  
 10 pursuant to s. 1001.706, each board of trustees may secure  
 11 appraisals and surveys. The board of trustees shall comply  
 12 with the rules of the Board of Trustees of the Internal  
 13 Improvement Trust Fund in securing appraisals. Whenever the  
 14 board of trustees finds it necessary for timely property  
 15 acquisition, it may contract, without the need for competitive  
 16 selection, with one or more appraisers whose names are  
 17 contained on the list of approved appraisers maintained by the  
 18 Division of State Lands in the Department of Environmental  
 19 Protection.

20        2. To the extent delegated by the Board of Governors  
 21 pursuant to s. 1001.706, each board of trustees may negotiate  
 22 and enter into an option contract before an appraisal is  
 23 obtained. The option contract must state that the final  
 24 purchase price may not exceed the maximum value allowed by  
 25 law. The consideration for such an option contract may not  
 26 exceed 10 percent of the estimate obtained by the board of  
 27 trustees or 10 percent of the value of the parcel, whichever  
 28 is greater, unless otherwise authorized by the board of  
 29 trustees.

30        3. This paragraph is not intended to abrogate in any  
 31 manner the authority delegated to the Board of Trustees of the

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1 Internal Improvement Trust Fund or the Division of State Lands  
2 to approve a contract for purchase of state lands or to  
3 require policies and procedures to obtain clear legal title to  
4 parcels purchased for state purposes. Title to property  
5 acquired by a university board of trustees prior to January 7,  
6 2003, and to property acquired with funds appropriated by the  
7 Legislature shall vest in the Board of Trustees of the  
8 Internal Improvement Trust Fund.

9 (g) To the extent delegated by the Board of Governors  
10 pursuant to s. 1001.706, each board of trustees shall prepare  
11 and adopt a campus master plan pursuant to s. 1013.30.

12 (h) To the extent delegated by the Board of Governors  
13 pursuant to s. 1001.706, each board of trustees shall prepare,  
14 adopt, and execute a campus development agreement pursuant to  
15 s. 1013.30.

16 (i) Notwithstanding the provisions of s. 216.351 and  
17 to the extent delegated by the Board of Governors pursuant to  
18 s. 1001.706, a board of trustees may authorize the rent or  
19 lease of parking facilities, provided that such facilities are  
20 funded through parking fees or parking fines imposed by a  
21 university. With authorization from the Board of Governors, a  
22 board of trustees may charge fees for parking at such rented  
23 or leased parking facilities.

24 (j) Each board of trustees shall adjust property  
25 records and dispose of state-owned tangible property in the  
26 university's custody in accordance with procedures established  
27 by the board of trustees in accordance with the provisions of  
28 chapter 273. Notwithstanding the provisions of s. 273.055(5),  
29 all moneys received from the disposition of state-owned  
30 tangible personal property shall be retained by the university  
31 and disbursed for the acquisition of tangible personal



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property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.--Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(8) OTHER POWERS AND DUTIES.--A board of trustees shall perform such other duties as are provided by law or at the direction of the Board of Governors.

Section 79. Paragraph (a) of subsection (2) and subsection (4) of section 1002.35, Florida Statutes, are amended to read:

1002.35 New World School of the Arts.--

(2)(a) For purposes of governance, the New World School of the Arts is assigned to Miami-Dade ~~Community~~ College, the Dade County School District, and one or more universities designated by the State Board of Education. The State Board of Education, in conjunction with the Board of Governors, shall assign to the New World School of the Arts a university partner or partners. In this selection, the State Board of Education and the Board of Governors shall consider the accreditation status of the core programs. Florida International University, in its capacity as the provider of university services to Dade County, shall be a partner to serve the New World School of the Arts, upon meeting the accreditation criteria. The respective boards shall appoint members to an executive board for administration of the school. The executive board may include community members and shall reflect proportionately the participating institutions. Miami-Dade ~~Community~~ College shall serve as fiscal agent for

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1 the school.

2 (4) The State Board of Education and the Board of  
3 Governors shall utilize resources, programs, and faculty from  
4 the various state universities in planning and providing the  
5 curriculum and courses at the New World School of the Arts,  
6 drawing on program strengths at each state university.

7 Section 80. Subsection (8) of section 1002.41, Florida  
8 Statutes, is amended to read:

9 1002.41 Home education programs.--

10 (8) Home education students are eligible for admission  
11 to state universities in accordance with the policies and  
12 guidelines of the Board of Governors ~~provisions of s.~~  
13 ~~1007.261.~~

14 Section 81. Subsections (1) and (3) of section  
15 1004.03, Florida Statutes, are amended to read:

16 1004.03 Program approval.--

17 (1) The Board of Governors ~~State Board of Education~~  
18 shall establish criteria for the approval of new programs at  
19 state universities that will receive any support from tuition  
20 and fees assessed pursuant to s. 1009.24 or from funds  
21 appropriated by the Legislature through the General  
22 Appropriations Act or other law. These, which criteria  
23 include, but are not limited to, the following:

24 (a) New programs may not be approved unless the same  
25 objectives cannot be met through use of educational  
26 technology.

27 (b) Unnecessary duplication of programs offered by  
28 public and independent institutions shall be avoided.

29 (c) Cooperative programs, particularly within regions,  
30 should be encouraged.

31 (d) New programs shall be approved only if they are

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1 consistent with the strategic plan ~~state master plans~~ adopted  
2 by the Board of Governors ~~State Board of Education~~.

3 (e) A new graduate-level program or professional-level  
4 program may be approved if:

5 1. The university has taken into account the offerings  
6 of its counterparts, including institutions in other sectors,  
7 particularly at the regional level.

8 2. The addition of the program will not alter the  
9 emphasis on undergraduate education.

10 3. The regional need and demand for the ~~graduate~~  
11 program was addressed and the community needs are obvious.

12 (3) New colleges, schools, or functional equivalents  
13 of any program that leads ~~leading~~ to a degree that is offered  
14 as a credential for a specific license granted under the  
15 Florida Statutes or the State Constitution and that will  
16 receive any support from tuition and fees or from funds  
17 appropriated by the Legislature through the General  
18 Appropriations Act or other law shall not be established  
19 without the specific approval of the Legislature.

20 Section 82. Paragraph (b) of subsection (5) of section  
21 1004.04, Florida Statutes, is amended to read:

22 1004.04 Public accountability and state approval for  
23 teacher preparation programs.--

24 (5) CONTINUED PROGRAM APPROVAL.--Notwithstanding  
25 subsection (4), failure by a public or nonpublic teacher  
26 preparation program to meet the criteria for continued program  
27 approval shall result in loss of program approval. The  
28 Department of Education, in collaboration with the departments  
29 and colleges of education, shall develop procedures for  
30 continued program approval that document the continuous  
31 improvement of program processes and graduates' performance.

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1           (b) Additional criteria for continued program approval  
2 for public institutions may be approved by the State Board of  
3 Education. Such criteria must emphasize instruction in  
4 classroom management and must provide for the evaluation of  
5 the teacher candidates' performance in this area. The criteria  
6 shall also require instruction in working with underachieving  
7 students. Program evaluation procedures must include, but are  
8 not limited to, program graduates' satisfaction with  
9 instruction and the program's responsiveness to local school  
10 districts. Additional criteria for continued program approval  
11 for nonpublic institutions shall be developed in the same  
12 manner as for public institutions; however, such criteria must  
13 be based upon significant, objective, and quantifiable  
14 graduate performance measures. Responsibility for collecting  
15 data on outcome measures through survey instruments and other  
16 appropriate means shall be shared by the postsecondary  
17 educational institutions and the Department of Education. By  
18 January 1 of each year, the Department of Education shall  
19 report this information for each postsecondary educational  
20 institution that has state-approved programs of teacher  
21 education to the Governor, the State Board of Education, the  
22 Board of Governors, the Commissioner of Education, the  
23 President of the Senate, the Speaker of the House of  
24 Representatives, all Florida postsecondary teacher preparation  
25 programs, and interested members of the public. This report  
26 must analyze the data and make recommendations for improving  
27 teacher preparation programs in the state.

28           Section 83. Section 1004.07, Florida Statutes, is  
29 amended to read:

30           1004.07 Student withdrawal from courses due to  
31 military service; effect.--

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1       (1) Each district school board, community college  
2 ~~district~~ board of trustees, and state university board of  
3 trustees shall establish, ~~by rule and pursuant to guidelines~~  
4 ~~of the State Board of Education~~, policies regarding currently  
5 enrolled students who are called to, or enlist in, active  
6 military service.

7       (2) Such policies shall provide that any student  
8 enrolled in a postsecondary course or courses at a career  
9 center, a public community college, a public college, or a  
10 state university shall not incur academic or financial  
11 penalties by virtue of performing military service on behalf  
12 of our country. Such student shall be permitted the option of  
13 either completing the course or courses at a later date  
14 without penalty or withdrawing from the course or courses with  
15 a full refund of fees paid. If the student chooses to  
16 withdraw, the student's record shall reflect that the  
17 withdrawal is due to active military service.

18       (3) Policies of district school boards and community  
19 college boards of trustees shall be established by rule and  
20 pursuant to guidelines of the State Board of Education.

21       (4) Policies of state university boards of trustees  
22 shall be established by rule and pursuant to guidelines of the  
23 Board of Governors.

24       Section 84. Section 1004.21, Florida Statutes, is  
25 amended to read:

26       (Substantial rewording of section. See  
27 s. 1004.21, F.S., for present text.)

28       1004.21 State universities; general provisions.--State  
29 universities are part of the executive branch of state  
30 government and are administered by a board of trustees as  
31 provided in s. 1001.74.

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1           Section 85. Subsections (1), (2), (6), and (7) of  
2 section 1004.22, Florida Statutes, are amended to read:

3           1004.22 Divisions of sponsored research at state  
4 universities.--

5           (1) Each university is authorized to create, in  
6 accordance with guidelines of the Board of Governors ~~as it~~  
7 ~~deems advisable~~, divisions of sponsored research which will  
8 serve the function of administration and promotion of the  
9 programs of research, including sponsored training programs,  
10 of the university at which they are located. ~~A division of~~  
11 ~~sponsored research created under the provisions of this~~  
12 ~~section shall be under the supervision of the president of~~  
13 ~~that university.~~

14           (2) The university shall set such policies to regulate  
15 the activities of the divisions of sponsored research as it  
16 may consider necessary ~~to effectuate the purposes of this act~~  
17 ~~and~~ to administer the research programs in a manner which  
18 assures efficiency and effectiveness, producing the maximum  
19 benefit for the educational programs and maximum service to  
20 the state. To this end, materials that relate to methods of  
21 manufacture or production, potential trade secrets,  
22 potentially patentable material, actual trade secrets,  
23 business transactions, or proprietary information received,  
24 generated, ascertained, or discovered during the course of  
25 research conducted within the state universities shall be  
26 confidential and exempt from the provisions of s. 119.07(1),  
27 except that a division of sponsored research shall make  
28 available upon request the title and description of a research  
29 project, the name of the researcher, and the amount and source  
30 of funding provided for such project.

31           (6)(a) Each university shall submit to the Board of

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1 ~~Governors~~ ~~State Board of Education~~ a report of the activities  
2 of each division of sponsored research together with an  
3 estimated budget for the next fiscal year.

4 (b) Not less than 90 days prior to the convening of  
5 each regular session of the Legislature in which an  
6 appropriation shall be made, the Board of Governors ~~State~~  
7 ~~Board of Education~~ shall submit to the chair of the  
8 appropriations committee of each house of the Legislature a  
9 compiled report, together with a compiled estimated budget for  
10 the next fiscal year. A copy of such report and estimated  
11 budget shall be furnished to the Governor, as the chief budget  
12 officer of the state.

13 (7) All purchases of a division of sponsored research  
14 shall be made in accordance with the policies and procedures  
15 of the university pursuant to guidelines of the Board of  
16 Governors; however, upon certification addressed to the  
17 university president that it is necessary for the efficient or  
18 expeditious prosecution of a research project, the president  
19 may exempt the purchase of material, supplies, equipment, or  
20 services for research purposes from the general purchasing  
21 requirement of the Florida Statutes.

22 Section 86. Section 1004.24, Florida Statutes, is  
23 amended to read:

24 1004.24 Board of Governors, or the board's designee,  
25 ~~State Board of Education~~ authorized to secure liability  
26 insurance.--

27 (1) The Board of Governors, or the board's designee,  
28 ~~State Board of Education~~ is authorized to secure, or otherwise  
29 provide as a self-insurer, or by a combination thereof,  
30 comprehensive general liability insurance, including  
31 professional liability for health care and veterinary

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1 sciences, for:

2 (a) The Board of Governors ~~State Board of Education~~  
3 and its officers and members.

4 (b) A university board of trustees and its officers  
5 and members.

6 (c) The faculty and other employees and agents of a  
7 university board of trustees.

8 (d) The students of a state university.

9 (e) A state university or any college, school,  
10 institute, center, or program thereof.

11 (f) Any not-for-profit corporation organized pursuant  
12 to chapter 617, and the directors, officers, employees, and  
13 agents thereof, which is affiliated with a state university,  
14 if the corporation is operated for the benefit of the state  
15 university in a manner consistent with the best interests of  
16 the state, and if such participation is approved by a  
17 self-insurance program council, the university president, and  
18 the board of trustees.

19 (2) In the event the Board of Governors, or the  
20 board's designee, ~~State Board of Education~~ adopts a  
21 self-insurance program, a governing council chaired by the  
22 vice president for health affairs or his or her academic  
23 equivalent shall be established to administer the program and  
24 its duties and responsibilities, including the administration  
25 of self-insurance program assets and expenditure policies,  
26 which shall be defined in rules as authorized by this section.  
27 The council shall have an annual actuary review performed to  
28 establish funding requirements to maintain the fiscal  
29 integrity of the self-insurance program. The assets of a  
30 self-insurance program shall be deposited outside the State  
31 Treasury and shall be administered in accordance with rules as



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1 authorized by this section.

2           (3) Any self-insurance program created under this  
3 section shall be funded by the entities and individuals  
4 protected by such program. There shall be no funds  
5 appropriated to any self-insurance program. The assets of the  
6 self-insurance program shall be the property of the board that  
7 adopts the self-insurance program ~~State Board of Education~~ and  
8 shall be used only to pay the administrative expenses of the  
9 self-insurance program and to pay any claim, judgment, or  
10 claims bill arising out of activities for which the  
11 self-insurance program was created. Investment income that is  
12 in excess of that income necessary to ensure the solvency of a  
13 self-insurance program as established by a casualty actuary  
14 may be used to defray the annual contribution paid into the  
15 program by the entities and individuals protected by the  
16 program.

17           (4) No self-insurance program adopted by the Board of  
18 Governors, or the board's designee, ~~State Board of Education~~  
19 may sue or be sued. The claims files of any such program are  
20 privileged and confidential, exempt from the provisions of s.  
21 119.07(1), and are only for the use of the program in  
22 fulfilling its duties. Any self-insurance trust fund and  
23 revenues generated by that fund shall only be used to pay  
24 claims and administration expenses.

25           (5) Each self-insurance program council shall make  
26 provision for an annual financial audit pursuant to s. 11.45  
27 of its accounts to be conducted by an independent certified  
28 public accountant. The annual audit report must include a  
29 management letter and shall be submitted to the Board of  
30 Governors and the university board of trustees ~~State Board of~~  
31 ~~Education~~ for review. The Board of Governors ~~State Board of~~

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1 ~~Education~~ shall have the authority to require and receive from  
2 the self-insurance program council or from its independent  
3 auditor any detail or supplemental data relative to the  
4 operation of the self-insurance program.

5 ~~(6) The State Board of Education may make such rules~~  
6 ~~as are necessary to carry out the provisions of this section.~~

7 Section 87. Paragraph (c) is added to subsection (1)  
8 of section 1004.28, Florida Statutes, and paragraph (b) of  
9 subsection (2) and subsections (5), (6), and (7) of that  
10 section are amended, to read:

11 1004.28 Direct-support organizations; use of property;  
12 board of directors; activities; audit; facilities.--

13 (1) DEFINITIONS.--For the purposes of this section:

14 (c) "Property" does not include student fee revenues  
15 collected pursuant to s. 1009.24.

16 (2) USE OF PROPERTY.--

17 (b) The board of trustees, in accordance with rules  
18 and guidelines of the Board of Governors, shall prescribe by  
19 rule conditions with which a university direct-support  
20 organization must comply in order to use property, facilities,  
21 or personal services at any state university. Such rules shall  
22 provide for budget and audit review and oversight by the board  
23 of trustees.

24 (5) ANNUAL AUDIT.--Each direct-support organization  
25 shall provide for an annual financial audit of its accounts  
26 and records to be conducted by an independent certified public  
27 accountant in accordance with rules adopted by the Auditor  
28 General pursuant to s. 11.45(8) and by the university board of  
29 trustees. The annual audit report shall be submitted, within 9  
30 months after the end of the fiscal year, to the Auditor

31 General and the Board of Governors ~~State Board of Education~~

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1 for review. The Board of Governors ~~State Board of Education~~,  
 2 the university board of trustees, the Auditor General, and the  
 3 Office of Program Policy Analysis and Government  
 4 Accountability shall have the authority to require and receive  
 5 from the organization or from its independent auditor any  
 6 records relative to the operation of the organization. The  
 7 identity of donors who desire to remain anonymous shall be  
 8 protected, and that anonymity shall be maintained in the  
 9 auditor's report. All records of the organization other than  
 10 the auditor's report, management letter, and any supplemental  
 11 data requested by the Board of Governors ~~State Board of~~  
 12 ~~Education~~, the university board of trustees, the Auditor  
 13 General, and the Office of Program Policy Analysis and  
 14 Government Accountability shall be confidential and exempt  
 15 from the provisions of s. 119.07(1).

16 (6) FACILITIES.--~~In addition to issuance of~~  
 17 ~~indebtedness pursuant to s. 1010.60(2),~~ Each direct-support  
 18 organization is authorized to enter into agreements to  
 19 finance, design and construct, lease, lease-purchase,  
 20 purchase, or operate facilities necessary and desirable to  
 21 serve the needs and purposes of the university, as determined  
 22 by the systemwide strategic plan adopted by the Board of  
 23 Governors ~~State Board of Education~~. Such agreements are  
 24 subject to the provisions of ss. s. 1013.171 and 1010.62.

25 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
 26 organization shall submit to the university president and the  
 27 Board of Governors ~~State Board of Education~~ its federal  
 28 Internal Revenue Service Application for Recognition of  
 29 Exemption form (Form 1023) and its federal Internal Revenue  
 30 Service Return of Organization Exempt from Income Tax form  
 31 (Form 990).

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Section 88. Subsections (3) and (5) of section 1004.29, Florida Statutes, are amended to read:

1004.29 University health services support organizations.--

(3) A state university board of trustees, in accordance with rules and guidelines of the Board of Governors, may prescribe, by rule, conditions with which a university health services support organization must comply in order to be certified and to use property, facilities, or personal services at any state university. The rules must provide for budget, audit review, and oversight by the board of trustees. Such rules shall provide that the university health services support organization may provide salary supplements and other compensation or benefits for university faculty and staff employees only as set forth in the organization's budget, which shall be subject to approval by the university president.

(5) Each university health services support organization shall provide for an annual financial audit in accordance with s. 1004.28(5). The auditor's report, management letter, and any supplemental data requested by the Board of Governors ~~State Board of Education~~, the university board of trustees, and the Auditor General shall be considered public records, pursuant to s. 119.07.

Section 89. Section 1004.35, Florida Statutes, is amended to read:

1004.35 Broward County campuses of Florida Atlantic University; coordination with other institutions.--The State Board of Education, the Board of Governors, and Florida Atlantic University shall consult with Broward Community College and Florida International University in coordinating

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1 course offerings at the postsecondary level in Broward County.  
2 Florida Atlantic University may contract with the Board of  
3 Trustees of Broward Community College and with Florida  
4 International University to provide instruction in courses  
5 offered at the Southeast Campus. Florida Atlantic University  
6 shall increase course offerings at the Southeast Campus as  
7 facilities become available.

8 Section 90. Subsection (4) of section 1004.36, Florida  
9 Statutes, is amended to read:

10 1004.36 Florida Atlantic University campuses.--

11 (4) The Board of Governors ~~State Board of Education~~,  
12 as a function of its comprehensive master planning process,  
13 pursuant to s. 1001.706, shall continue to evaluate the need  
14 for undergraduate programs in Broward County and shall assess  
15 the extent to which existing postsecondary programs are  
16 addressing those needs.

17 Section 91. Subsection (5) of section 1004.39, Florida  
18 Statutes, is amended to read:

19 1004.39 College of law at Florida International  
20 University.--

21 (5) ~~The Florida International University Board of~~  
22 ~~Trustees shall commence the planning of a college of law at~~  
23 ~~Florida International University. In planning the college of~~  
24 ~~law,~~ The Florida International University Board of Trustees  
25 and the Board of Governors ~~State Board of Education~~ may accept  
26 grants, donations, gifts, and moneys available for this  
27 purpose, including moneys for planning and constructing the  
28 college. The Florida International University Board of  
29 Trustees may procure and accept any federal funds that are  
30 available for the planning, creation, and establishment of the  
31 college of law. ~~Classes must commence by the fall semester~~

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1 ~~2003-~~ If the American Bar Association or any other nationally  
2 recognized association for the accreditation of colleges of  
3 law issues a third disapproval of an application for  
4 provisional approval or for full approval or fails to grant,  
5 within 5 years following the graduation of the first class, a  
6 provisional approval, to the college of law at Florida  
7 International University, the Board of Governors ~~State Board~~  
8 ~~of Education~~ shall make recommendations to the Governor and  
9 the Legislature as to whether the college of law will cease  
10 operations at the end of the full academic year subsequent to  
11 the receipt by the college of law of any such third  
12 disapproval, or whether the college of law will continue  
13 operations and any conditions for continued operations. If the  
14 college of law ceases operations pursuant to this section, the  
15 following conditions apply:

16       (a) The authority for the college of law at Florida  
17 International University and the authority of the Florida  
18 International University Board of Trustees and the Board of  
19 Governors ~~State Board of Education~~ provided in this section  
20 shall terminate upon the cessation of operations of the  
21 college of law at Florida International University. The  
22 college of law at Florida International University shall  
23 receive no moneys allocated for the planning, construction, or  
24 operation of the college of law after its cessation of  
25 operations other than moneys to be expended for the cessation  
26 of operations of the college of law. Any moneys allocated to  
27 the college of law at Florida International University not  
28 expended prior to or scheduled to be expended after the date  
29 of the cessation of the college of law shall be appropriated  
30 for other use by the Legislature of the State of Florida.

31       (b) Any buildings of the college of law at Florida

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1 International University constructed from the expenditure of  
2 capital outlay funds appropriated by the Legislature shall be  
3 owned by the Board of Trustees of the Internal Improvement  
4 Trust Fund and managed by the Florida International University  
5 Board of Trustees upon the cessation of the college of law.

6  
7 Nothing in this section shall undermine commitments to current  
8 students receiving support as of the date of the enactment of  
9 this section from the law school scholarship program of the  
10 Florida Education Fund as provided in s. 1009.70(8). Students  
11 attending the college of law at Florida International  
12 University shall be eligible for financial, academic, or other  
13 support from the Florida Education Fund as provided in s.  
14 1009.70(8) without the college's obtaining accreditation by  
15 the American Bar Association.

16 Section 92. Subsection (5) of section 1004.40, Florida  
17 Statutes, is amended to read:

18 1004.40 College of law at Florida Agricultural and  
19 Mechanical University.--

20 (5) ~~The Florida Agricultural and Mechanical University~~  
21 ~~Board of Trustees shall commence the planning of a college of~~  
22 ~~law under the auspices of Florida Agricultural and Mechanical~~  
23 ~~University to be located in the I-4 corridor area. In planning~~  
24 ~~the college of law,~~ The Florida Agricultural and Mechanical  
25 University Board of Trustees and the Board of Governors ~~State~~  
26 ~~Board of Education~~ may accept grants, donations, gifts, and  
27 moneys available for this purpose, including moneys for  
28 planning and constructing the college. The Florida  
29 Agricultural and Mechanical University Board of Trustees may  
30 procure and accept any federal funds that are available for  
31 the planning, creation, and establishment of the college of

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1 law. ~~Classes must commence by the fall semester 2003.~~ If the  
2 American Bar Association or any other nationally recognized  
3 association for the accreditation of colleges of law issues a  
4 third disapproval of an application for provisional approval  
5 or for full approval or fails to grant, within 5 years  
6 following the graduation of the first class, a provisional  
7 approval, to the college of law at Florida Agricultural and  
8 Mechanical University, the Board of Governors ~~State Board of~~  
9 ~~Education~~ shall make recommendations to the Governor and  
10 Legislature as to whether the college of law will cease  
11 operations at the end of the full academic year subsequent to  
12 the receipt by the college of law of any such third  
13 disapproval, or whether the college of law will continue  
14 operations and any conditions for continued operations. If the  
15 college of law ceases operations of the college of law  
16 pursuant to this section, the following conditions apply:

17 (a) The authority for the college of law at Florida  
18 Agricultural and Mechanical University and the authority of  
19 the Florida Agricultural and Mechanical University Board of  
20 Trustees and the Board of Governors ~~State Board of Education~~  
21 provided in this section shall terminate upon the cessation of  
22 operations of the college of law at Florida Agricultural and  
23 Mechanical University. The college of law at Florida  
24 Agricultural and Mechanical University shall receive no moneys  
25 allocated for the planning, construction, or operation of the  
26 college of law after its cessation of operations other than  
27 moneys to be expended for the cessation of operations of the  
28 college of law. Any moneys allocated to the college of law at  
29 Florida Agricultural and Mechanical University not expended  
30 prior to or scheduled to be expended after the date of the  
31 cessation of the college of law shall be appropriated for



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1 other use by the Legislature of the State of Florida.

2 (b) Any buildings of the college of law at Florida  
3 Agricultural and Mechanical University constructed from the  
4 expenditure of capital outlay funds appropriated by the  
5 Legislature shall be owned by the Board of Trustees of the  
6 Internal Improvement Trust Fund and managed by the Florida  
7 Agricultural and Mechanical University Board of Trustees upon  
8 the cessation of the college of law.

9  
10 Nothing in this section shall undermine commitments to current  
11 students receiving support as of the date of the enactment of  
12 this section from the law school scholarship program of the  
13 Florida Education Fund as provided in s. 1009.70(8). Students  
14 attending the college of law at Florida Agricultural and  
15 Mechanical University shall be eligible for financial,  
16 academic, or other support from the Florida Education Fund as  
17 provided in s. 1009.70(8) without the college's obtaining  
18 accreditation by the American Bar Association.

19 Section 93. Paragraph (e) of subsection (4) of section  
20 1004.41, Florida Statutes, is amended to read:

21 1004.41 University of Florida; J. Hillis Miller Health  
22 Center.--

23 (4)

24 (e) In the event that the lease of the hospital  
25 facilities to the not-for-profit corporation is terminated for  
26 any reason, the University of Florida Board of Trustees shall  
27 resume management and operation of the hospital facilities. In  
28 such event, the University of Florida Board of Trustees  
29 ~~Administration Commission~~ is authorized to utilize ~~appropriate~~  
30 revenues generated from the operation of the hospital  
31 facilities ~~to the University of Florida Board of Trustees to~~

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1 pay the costs and expenses of operating the hospital facility  
2 for the remainder of the fiscal year in which such termination  
3 occurs.

4 Section 94. Subsections (1) through (4), paragraphs  
5 (a), (f), and (g) of subsection (5), and paragraph (b) of  
6 subsection (8) of section 1004.43, Florida Statutes, are  
7 amended to read:

8 1004.43 H. Lee Moffitt Cancer Center and Research  
9 Institute.--There is established the H. Lee Moffitt Cancer  
10 Center and Research Institute at the University of South  
11 Florida.

12 (1) The State Board of Education shall enter into an  
13 agreement for the utilization of the facilities on the campus  
14 of the University of South Florida to be known as the H. Lee  
15 Moffitt Cancer Center and Research Institute, including all  
16 furnishings, equipment, and other chattels used in the  
17 operation of said facilities, with a Florida not-for-profit  
18 corporation organized solely for the purpose of governing and  
19 operating the H. Lee Moffitt Cancer Center and Research  
20 Institute. This not-for-profit corporation, acting as an  
21 instrumentality of the State of Florida, shall govern and  
22 operate the H. Lee Moffitt Cancer Center and Research  
23 Institute in accordance with the terms of the agreement  
24 between the Board of Governors ~~State Board of Education~~ and  
25 the not-for-profit corporation. The not-for-profit corporation  
26 may, with the prior approval of the Board of Governors ~~State~~  
27 ~~Board of Education~~, create either for-profit or not-for-profit  
28 corporate subsidiaries, or both, to fulfill its mission.  
29 For-profit subsidiaries of the not-for-profit corporation may  
30 not compete with for-profit health care providers in the  
31 delivery of radiation therapy services to patients. The

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1 not-for-profit corporation and its subsidiaries are authorized  
2 to receive, hold, invest, and administer property and any  
3 moneys received from private, local, state, and federal  
4 sources, as well as technical and professional income  
5 generated or derived from practice activities of the  
6 institute, for the benefit of the institute and the  
7 fulfillment of its mission. The affairs of the corporation  
8 shall be managed by a board of directors who shall serve  
9 without compensation. The President of the University of South  
10 Florida and the chair of the Board of Governors ~~State Board of~~  
11 ~~Education~~, or his or her designee, shall be directors of the  
12 not-for-profit corporation, together with 5 representatives of  
13 the state universities and no more than 14 nor fewer than 10  
14 directors who are not medical doctors or state employees. Each  
15 director shall have only one vote, shall serve a term of 3  
16 years, and may be reelected to the board. Other than the  
17 President of the University of South Florida and the chair of  
18 the Board of Governors ~~State Board of Education~~, directors  
19 shall be elected by a majority vote of the board. The chair of  
20 the board of directors shall be selected by majority vote of  
21 the directors.

22 (2) The Board of Governors ~~State Board of Education~~  
23 shall provide in the agreement with the not-for-profit  
24 corporation for the following:

25 (a) Approval of the articles of incorporation of the  
26 not-for-profit corporation by the Board of Governors ~~State~~  
27 ~~Board of Education~~.

28 (b) Approval of the articles of incorporation of any  
29 not-for-profit corporate subsidiary created by the  
30 not-for-profit corporation.

31 (c) Utilization of lands, facilities, and personnel by

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1 the not-for-profit corporation and its subsidiaries for  
2 research, education, treatment, prevention, and the early  
3 detection of cancer and for mutually approved teaching and  
4 research programs conducted by the University of South Florida  
5 or other accredited medical schools or research institutes.

6 (d) Preparation of an annual financial audit of the  
7 not-for-profit corporation's accounts and records and the  
8 accounts and records of any subsidiaries to be conducted by an  
9 independent certified public accountant. The annual audit  
10 report shall include a management letter, as defined in s.  
11 11.45, and shall be submitted to the Auditor General and the  
12 Board of Governors ~~State Board of Education~~. The Board of  
13 Governors ~~State Board of Education~~, the Auditor General, and  
14 the Office of Program Policy Analysis and Government  
15 Accountability shall have the authority to require and receive  
16 from the not-for-profit corporation and any subsidiaries or  
17 from their independent auditor any detail or supplemental data  
18 relative to the operation of the not-for-profit corporation or  
19 subsidiary.

20 (e) Provision by the not-for-profit corporation and  
21 its subsidiaries of equal employment opportunities to all  
22 persons regardless of race, color, religion, sex, age, or  
23 national origin.

24 (3) The Board of Governors ~~State Board of Education~~ is  
25 authorized to secure comprehensive general liability  
26 protection, including professional liability protection, for  
27 the not-for-profit corporation and its subsidiaries pursuant  
28 to s. 1004.24. The not-for-profit corporation and its  
29 subsidiaries shall be exempt from any participation in any  
30 property insurance trust fund established by law, including  
31 any property insurance trust fund established pursuant to

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1 chapter 284, so long as the not-for-profit corporation and its  
2 subsidiaries maintain property insurance protection with  
3 comparable or greater coverage limits.

4 (4) In the event that the agreement between the  
5 not-for-profit corporation and the Board of Governors ~~State~~  
6 ~~Board of Education~~ is terminated for any reason, the Board of  
7 Governors ~~State Board of Education~~ shall resume governance and  
8 operation of such ~~said~~ facilities.

9 (5) The institute shall be administered by a chief  
10 executive officer who shall serve at the pleasure of the board  
11 of directors of the not-for-profit corporation and who shall  
12 have the following powers and duties subject to the approval  
13 of the board of directors:

14 (a) The chief executive officer shall establish  
15 programs which fulfill the mission of the institute in  
16 research, education, treatment, prevention, and the early  
17 detection of cancer; however, the chief executive officer  
18 shall not establish academic programs for which academic  
19 credit is awarded and which terminate in the conference of a  
20 degree without prior approval of the Board of Governors ~~State~~  
21 ~~Board of Education~~.

22 (f) The chief executive officer shall have a reporting  
23 relationship to the Board of Governors or its designee  
24 ~~Commissioner of Education~~.

25 (g) The chief executive officer shall provide a copy  
26 of the institute's annual report to the Governor and Cabinet,  
27 the President of the Senate, the Speaker of the House of  
28 Representatives, and the chair of the Board of Governors ~~State~~  
29 ~~Board of Education~~.

30 (8)

31 (b) Proprietary confidential business information is

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1 confidential and exempt from the provisions of s. 119.07(1)  
 2 and s. 24(a), Art. I of the State Constitution. However, the  
 3 Auditor General, the Office of Program Policy Analysis and  
 4 Government Accountability, and the Board of Governors ~~State~~  
 5 ~~Board of Education~~, pursuant to their oversight and auditing  
 6 functions, must be given access to all proprietary  
 7 confidential business information upon request and without  
 8 subpoena and must maintain the confidentiality of information  
 9 so received. As used in this paragraph, the term "proprietary  
 10 confidential business information" means information,  
 11 regardless of its form or characteristics, which is owned or  
 12 controlled by the not-for-profit corporation or its  
 13 subsidiaries; is intended to be and is treated by the  
 14 not-for-profit corporation or its subsidiaries as private and  
 15 the disclosure of which would harm the business operations of  
 16 the not-for-profit corporation or its subsidiaries; has not  
 17 been intentionally disclosed by the corporation or its  
 18 subsidiaries unless pursuant to law, an order of a court or  
 19 administrative body, a legislative proceeding pursuant to s.  
 20 5, Art. III of the State Constitution, or a private agreement  
 21 that provides that the information may be released to the  
 22 public; and which is information concerning:

23 1. Internal auditing controls and reports of internal  
 24 auditors;

25 2. Matters reasonably encompassed in privileged  
 26 attorney-client communications;

27 3. Contracts for managed-care arrangements, including  
 28 preferred provider organization contracts, health maintenance  
 29 organization contracts, and exclusive provider organization  
 30 contracts, and any documents directly relating to the  
 31 negotiation, performance, and implementation of any such

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1 contracts for managed-care arrangements;

2 4. Bids or other contractual data, banking records,  
3 and credit agreements the disclosure of which would impair the  
4 efforts of the not-for-profit corporation or its subsidiaries  
5 to contract for goods or services on favorable terms;

6 5. Information relating to private contractual data,  
7 the disclosure of which would impair the competitive interest  
8 of the provider of the information;

9 6. Corporate officer and employee personnel  
10 information;

11 7. Information relating to the proceedings and records  
12 of credentialing panels and committees and of the governing  
13 board of the not-for-profit corporation or its subsidiaries  
14 relating to credentialing;

15 8. Minutes of meetings of the governing board of the  
16 not-for-profit corporation and its subsidiaries, except  
17 minutes of meetings open to the public pursuant to subsection  
18 (9);

19 9. Information that reveals plans for marketing  
20 services that the corporation or its subsidiaries reasonably  
21 expect to be provided by competitors;

22 10. Trade secrets as defined in s. 688.002, including:

23 a. Information relating to methods of manufacture or  
24 production, potential trade secrets, potentially patentable  
25 materials, or proprietary information received, generated,  
26 ascertained, or discovered during the course of research  
27 conducted by the not-for-profit corporation or its  
28 subsidiaries; and

29 b. Reimbursement methodologies or rates;

30 11. The identity of donors or prospective donors of  
31 property who wish to remain anonymous or any information

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1 identifying such donors or prospective donors. The anonymity  
2 of these donors or prospective donors must be maintained in  
3 the auditor's report; or

4 12. Any information received by the not-for-profit  
5 corporation or its subsidiaries from an agency in this or  
6 another state or nation or the Federal Government which is  
7 otherwise exempt or confidential pursuant to the laws of this  
8 or another state or nation or pursuant to federal law.

9  
10 As used in this paragraph, the term "managed care" means  
11 systems or techniques generally used by third-party payors or  
12 their agents to affect access to and control payment for  
13 health care services. Managed-care techniques most often  
14 include one or more of the following: prior, concurrent, and  
15 retrospective review of the medical necessity and  
16 appropriateness of services or site of services; contracts  
17 with selected health care providers; financial incentives or  
18 disincentives related to the use of specific providers,  
19 services, or service sites; controlled access to and  
20 coordination of services by a case manager; and payor efforts  
21 to identify treatment alternatives and modify benefit  
22 restrictions for high-cost patient care.

23 (c) Subparagraphs 10. and 12. of paragraph (b) are  
24 subject to the Open Government Sunset Review Act of 1995 in  
25 accordance with s. 119.15 and shall stand repealed on October  
26 2, 2010, unless reviewed and saved from repeal through  
27 reenactment by the Legislature.

28 Section 95. Paragraph (b) of subsection (3) and  
29 subsections (4) and (5) of section 1004.435, Florida Statutes,  
30 are amended to read:

31 1004.435 Cancer control and research.--



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1 (3) DEFINITIONS.--The following words and phrases when  
2 used in this section have, unless the context clearly  
3 indicates otherwise, the meanings given to them in this  
4 subsection:

5 (b) "Council" means the Florida Cancer Control and  
6 Research Advisory Council, which is an advisory body appointed  
7 to function on a continuing basis for the study of cancer and  
8 which recommends solutions and policy alternatives to the  
9 Board of Governors ~~State Board of Education~~ and the secretary  
10 and which is established by this section.

11 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY  
12 COUNCIL; CREATION; COMPOSITION.--

13 (a) There is created within the H. Lee Moffitt Cancer  
14 Center and Research Institute, Inc., the Florida Cancer  
15 Control and Research Advisory Council. The council shall  
16 consist of 34 ~~35~~ members, which includes the chairperson, all  
17 of whom must be residents of this state. All members, except  
18 those appointed by the Speaker of the House of Representatives  
19 and the President of the Senate, must be appointed by the  
20 Governor. At least one of the members appointed by the  
21 Governor must be 60 years of age or older. One member must be  
22 a representative of the American Cancer Society; one member  
23 must be a representative of the Florida Tumor Registrars  
24 Association; one member must be a representative of the  
25 Sylvester Comprehensive Cancer Center of the University of  
26 Miami; one member must be a representative of the Department  
27 of Health; one member must be a representative of the  
28 University of Florida Shands Cancer Center; one member must be  
29 a representative of the Agency for Health Care Administration;  
30 one member must be a representative of the Florida Nurses  
31 Association; one member must be a representative of the

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1 Florida Osteopathic Medical Association; one member must be a  
2 representative of the American College of Surgeons; one member  
3 must be a representative of the School of Medicine of the  
4 University of Miami; one member must be a representative of  
5 the College of Medicine of the University of Florida; one  
6 member must be a representative of NOVA Southeastern College  
7 of Osteopathic Medicine; one member must be a representative  
8 of the College of Medicine of the University of South Florida;  
9 one member must be a representative of the College of Public  
10 Health of the University of South Florida; one member must be  
11 a representative of the Florida Society of Clinical Oncology;  
12 one member must be a representative of the Florida Obstetric  
13 and Gynecologic Society who has had training in the specialty  
14 of gynecologic oncology; one member must be a representative  
15 of the Florida Medical Association; one member must be a  
16 member of the Florida Pediatric Society; one member must be a  
17 representative of the Florida Radiological Society; one member  
18 must be a representative of the Florida Society of  
19 Pathologists; one member must be a representative of the H.  
20 Lee Moffitt Cancer Center and Research Institute, Inc.; three  
21 members must be representatives of the general public acting  
22 as consumer advocates; one member must be a member of the  
23 House of Representatives appointed by the Speaker of the House  
24 of Representatives; one member must be a member of the Senate  
25 appointed by the President of the Senate; ~~one member must be a~~  
26 ~~representative of the Department of Education;~~ one member must  
27 be a representative of the Florida Dental Association; one  
28 member must be a representative of the Florida Hospital  
29 Association; one member must be a representative of the  
30 Association of Community Cancer Centers; one member shall be a  
31 representative from a statutory teaching hospital affiliated

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1 with a community-based cancer center; one member must be a  
2 representative of the Florida Association of Pediatric Tumor  
3 Programs, Inc.; one member must be a representative of the  
4 Cancer Information Service; one member must be a  
5 representative of the Florida Agricultural and Mechanical  
6 University Institute of Public Health; and one member must be  
7 a representative of the Florida Society of Oncology Social  
8 Workers. Of the members of the council appointed by the  
9 Governor, at least 10 must be individuals who are minority  
10 persons as defined by s. 288.703(3).

11 (b) The terms of the members shall be 4 years from  
12 their respective dates of appointment.

13 (c) A chairperson shall be appointed by the Governor  
14 for a term of 2 years. The chairperson shall appoint an  
15 executive committee of no fewer than three persons to serve at  
16 the pleasure of the chairperson. This committee will prepare  
17 material for the council but make no final decisions.

18 (d) The council shall meet no less than semiannually  
19 at the call of the chairperson or, in his or her absence or  
20 incapacity, at the call of the secretary. Sixteen members  
21 constitute a quorum for the purpose of exercising all of the  
22 powers of the council. A vote of the majority of the members  
23 present is sufficient for all actions of the council.

24 (e) The council members shall serve without pay.  
25 Pursuant to the provisions of s. 112.061, the council members  
26 may be entitled to be reimbursed for per diem and travel  
27 expenses.

28 (f) No member of the council shall participate in any  
29 discussion or decision to recommend grants or contracts to any  
30 qualified nonprofit association or to any agency of this state  
31 or its political subdivisions with which the member is

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1 associated as a member of the governing body or as an employee  
2 or with which the member has entered into a contractual  
3 arrangement.

4 (g) The council may prescribe, amend, and repeal  
5 bylaws governing the manner in which the business of the  
6 council is conducted.

7 (h) The council shall advise the Board of Governors  
8 ~~State Board of Education~~, the secretary, and the Legislature  
9 with respect to cancer control and research in this state.

10 (i) The council shall approve each year a program for  
11 cancer control and research to be known as the "Florida Cancer  
12 Plan" which shall be consistent with the State Health Plan and  
13 integrated and coordinated with existing programs in this  
14 state.

15 (j) The council shall formulate and recommend to the  
16 secretary a plan for the care and treatment of persons  
17 suffering from cancer and recommend the establishment of  
18 standard requirements for the organization, equipment, and  
19 conduct of cancer units or departments in hospitals and  
20 clinics in this state. The council may recommend to the  
21 secretary the designation of cancer units following a survey  
22 of the needs and facilities for treatment of cancer in the  
23 various localities throughout the state. The secretary shall  
24 consider the plan in developing departmental priorities and  
25 funding priorities and standards under chapter 395.

26 (k) The council is responsible for including in the  
27 Florida Cancer Plan recommendations for the coordination and  
28 integration of medical, nursing, paramedical, lay, and other  
29 plans concerned with cancer control and research. Committees  
30 shall be formed by the council so that the following areas  
31 will be established as entities for actions:

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1           1. Cancer plan evaluation: tumor registry, data  
2 retrieval systems, and epidemiology of cancer in the state and  
3 its relation to other areas.

4           2. Cancer prevention.

5           3. Cancer detection.

6           4. Cancer patient management: treatment,  
7 rehabilitation, terminal care, and other patient-oriented  
8 activities.

9           5. Cancer education: lay and professional.

10          6. Unproven methods of cancer therapy: quackery and  
11 unorthodox therapies.

12          7. Investigator-initiated project research.

13          (1) In order to implement in whole or in part the  
14 Florida Cancer Plan, the council shall recommend to the Board  
15 of Governors ~~State Board of Education~~ or the secretary the  
16 awarding of grants and contracts to qualified profit or  
17 nonprofit associations or governmental agencies in order to  
18 plan, establish, or conduct programs in cancer control or  
19 prevention, cancer education and training, and cancer  
20 research.

21          (m) If funds are specifically appropriated by the  
22 Legislature, the council shall develop or purchase  
23 standardized written summaries, written in layperson's terms  
24 and in language easily understood by the average adult  
25 patient, informing actual and high-risk breast cancer  
26 patients, prostate cancer patients, and men who are  
27 considering prostate cancer screening of the medically viable  
28 treatment alternatives available to them in the effective  
29 management of breast cancer and prostate cancer; describing  
30 such treatment alternatives; and explaining the relative  
31 advantages, disadvantages, and risks associated therewith.

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1 The breast cancer summary, upon its completion, shall be  
2 printed in the form of a pamphlet or booklet and made  
3 continuously available to physicians and surgeons in this  
4 state for their use in accordance with s. 458.324 and to  
5 osteopathic physicians in this state for their use in  
6 accordance with s. 459.0125. The council shall periodically  
7 update both summaries to reflect current standards of medical  
8 practice in the treatment of breast cancer and prostate  
9 cancer. The council shall develop and implement educational  
10 programs, including distribution of the summaries developed or  
11 purchased under this paragraph, to inform citizen groups,  
12 associations, and voluntary organizations about early  
13 detection and treatment of breast cancer and prostate cancer.

14 (n) The council shall have the responsibility to  
15 advise the Board of Governors ~~State Board of Education~~ and the  
16 secretary on methods of enforcing and implementing laws  
17 already enacted and concerned with cancer control, research,  
18 and education.

19 (o) The council may recommend to the Board of  
20 Governors ~~State Board of Education~~ or the secretary rules not  
21 inconsistent with law as it may deem necessary for the  
22 performance of its duties and the proper administration of  
23 this section.

24 (p) The council shall formulate and put into effect a  
25 continuing educational program for the prevention of cancer  
26 and its early diagnosis and disseminate to hospitals, cancer  
27 patients, and the public information concerning the proper  
28 treatment of cancer.

29 (q) The council shall be physically located at the H.  
30 Lee Moffitt Cancer Center and Research Institute, Inc., at the  
31 University of South Florida.

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1 (r) On February 15 of each year, the council shall  
2 report to the Governor and to the Legislature.

3 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS ~~STATE~~  
4 ~~BOARD OF EDUCATION~~, THE H. LEE MOFFITT CANCER CENTER AND  
5 RESEARCH INSTITUTE, INC., AND THE SECRETARY.--

6 (a) The Board of Governors ~~State Board of Education~~ or  
7 the secretary, after consultation with the council, shall  
8 award grants and contracts to qualified nonprofit associations  
9 and governmental agencies in order to plan, establish, or  
10 conduct programs in cancer control and prevention, cancer  
11 education and training, and cancer research.

12 (b) The H. Lee Moffitt Cancer Center and Research  
13 Institute, Inc., shall provide such staff, information, and  
14 other assistance as reasonably necessary for the completion of  
15 the responsibilities of the council.

16 (c) The Board of Governors ~~State Board of Education~~ or  
17 the secretary, after consultation with the council, may adopt  
18 rules necessary for the implementation of this section.

19 (d) The secretary, after consultation with the  
20 council, shall make rules specifying to what extent and on  
21 what terms and conditions cancer patients of the state may  
22 receive financial aid for the diagnosis and treatment of  
23 cancer in any hospital or clinic selected. The department may  
24 furnish to citizens of this state who are afflicted with  
25 cancer financial aid to the extent of the appropriation  
26 provided for that purpose in a manner which in its opinion  
27 will afford the greatest benefit to those afflicted and may  
28 make arrangements with hospitals, laboratories, or clinics to  
29 afford proper care and treatment for cancer patients in this  
30 state.

31 Section 96. Subsections (2) through (5), paragraphs

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(a), (f), (g), and (h) of subsection (6), and subsection (10) of section 1004.445, Florida Statutes, are amended to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.--

(2)(a) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the Board of Governors ~~State Board of Education~~, create either for-profit or not-for-profit corporate subsidiaries, or both, to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. Effective July 1, 2007, the agreement authority provided to the State Board of Education is transferred to the Board of Governors.

(b) The affairs of the not-for-profit corporation



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1 shall be managed by a board of directors who shall serve  
2 without compensation. The board of directors shall consist of  
3 the President of the University of South Florida and the chair  
4 of the Board of Governors ~~State Board of Education~~, or their  
5 designees, five representatives of the state universities, and  
6 nine representatives of the public who are neither medical  
7 doctors nor state employees. Each director who is a  
8 representative of a state university or of the public shall be  
9 appointed to serve a term of 3 years. The chair of the board  
10 of directors shall be selected by a majority vote of the  
11 directors. Each director shall have only one vote. Of the five  
12 university representatives, one shall be appointed by the  
13 Governor, two by the President of the Senate, and two by the  
14 Speaker of the House of Representatives; and of the nine  
15 public representatives, three shall be appointed by the  
16 Governor, three by the President of the Senate, and three by  
17 the Speaker of the House of Representatives. Any vacancy in  
18 office shall be filled in the same manner as the original  
19 appointment. Any director may be reappointed.

20 (3) The Board of Governors ~~State Board of Education~~  
21 shall provide in the agreement with the not-for-profit  
22 corporation for the following:

23 (a) Approval by the Board of Governors ~~State Board of~~  
24 ~~Education~~ of the articles of incorporation of the  
25 not-for-profit corporation.

26 (b) Approval by the Board of Governors ~~State Board of~~  
27 ~~Education~~ of the articles of incorporation of any  
28 not-for-profit corporate subsidiary created by the  
29 not-for-profit corporation.

30 (c) Utilization of lands, facilities, and personnel by  
31 the not-for-profit corporation and its subsidiaries for

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1 research, education, treatment, prevention, and the early  
2 detection of Alzheimer's disease and for mutually approved  
3 teaching and research programs conducted by the University of  
4 South Florida or other accredited medical schools or research  
5 institutes.

6 (d) Preparation of an annual financial audit pursuant  
7 to s. 11.45 of the not-for-profit corporation's accounts and  
8 the accounts of any subsidiaries to be conducted by an  
9 independent certified public accountant. The annual audit  
10 report shall include management letters and shall be submitted  
11 to the Auditor General and the Board of Governors ~~State Board~~  
12 ~~of Education~~ for review. The Board of Governors ~~State Board of~~  
13 ~~Education~~, the Auditor General, and the Office of Program  
14 Policy Analysis and Government Accountability shall have the  
15 authority to require and receive from the not-for-profit  
16 corporation and any subsidiaries, or from their independent  
17 auditor, any detail or supplemental data relative to the  
18 operation of the not-for-profit corporation or subsidiary.

19 (e) Provision by the not-for-profit corporation and  
20 its subsidiaries of equal employment opportunities for all  
21 persons regardless of race, color, religion, gender, age, or  
22 national origin.

23 (4) The Board of Governors ~~State Board of Education~~ is  
24 authorized to secure comprehensive general liability  
25 protection, including professional liability protection, for  
26 the not-for-profit corporation and its subsidiaries, pursuant  
27 to s. 1004.24. The not-for-profit corporation and its  
28 subsidiaries shall be exempt from any participation in any  
29 property insurance trust fund established by law, including  
30 any property insurance trust fund established pursuant to  
31 chapter 284, so long as the not-for-profit corporation and its

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1 subsidiaries maintain property insurance protection with  
2 comparable or greater coverage limits.

3 (5) In the event that the agreement between the  
4 not-for-profit corporation and the Board of Governors ~~State~~  
5 ~~Board of Education~~ is terminated for any reason, the Board of  
6 Governors ~~State Board of Education~~ shall assume governance and  
7 operation of the facilities.

8 (6) The institute shall be administered by a chief  
9 executive officer, who shall be appointed by and serve at the  
10 pleasure of the board of directors of the not-for-profit  
11 corporation, and who shall exercise the following powers and  
12 duties, subject to the approval of the board of directors:

13 (a) The chief executive officer shall establish  
14 programs that fulfill the mission of the institute in  
15 research, education, treatment, prevention, and early  
16 detection of Alzheimer's disease; however, the chief executive  
17 officer may not establish academic programs for which academic  
18 credit is awarded and which culminate in the conferring of a  
19 degree, without prior approval of the Board of Governors ~~State~~  
20 ~~Board of Education~~.

21 (f) The chief executive officer shall have a reporting  
22 relationship to the Board of Governors or its designee  
23 ~~Commissioner of Education~~.

24 (g) The chief executive officer shall provide a copy  
25 of the institute's annual report to the Governor and Cabinet,  
26 the President of the Senate, the Speaker of the House of  
27 Representatives, and the chair of the Board of Governors ~~State~~  
28 ~~Board of Education~~. The annual report shall describe the  
29 expenditure of all funds and shall provide information  
30 regarding research that has been conducted or funded by the  
31 center, as well as the expected and actual results of such

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1 research.

2 (h) By August 1 of each year, the chief executive  
3 officer shall develop and submit to the Governor and Cabinet,  
4 the President of the Senate, the Speaker of the House of  
5 Representatives, and the chair of the Board of Governors ~~State~~  
6 ~~Board of Education~~ an annual operating budget detailing the  
7 planned use of state, federal, and private funds for the  
8 fiscal year.

9 (10) The following information is confidential and  
10 exempt from s. 119.07(1) and s. 24, Art. I of the State  
11 Constitution:

12 (a) Personal identifying information relating to  
13 clients of programs created or funded through the Johnnie B.  
14 Byrd, Sr., Alzheimer's Center and Research Institute that is  
15 held by the institute, the University of South Florida, the  
16 Board of Governors, or the State Board of Education;

17 (b) Medical or health records relating to patients  
18 held by the institute;

19 (c) Materials that relate to methods of manufacture or  
20 production, potential trade secrets, potentially patentable  
21 material, actual tradesecrets as defined in s. 688.002, or  
22 proprietary information received, generated, ascertained, or  
23 discovered during the course of research conducted by or  
24 through the institute and business transactions resulting from  
25 such research;

26 (d) The personal identifying information of a donor or  
27 prospective donor to the institute who wishes to remain  
28 anonymous; and

29 (e) Any information received by the institute from a  
30 person from another state or nation or the Federal Government  
31 that is otherwise confidential or exempt pursuant to the laws

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1 of that state or nation or pursuant to federal law.

2

3 Any governmental entity that demonstrates a need to access  
4 such confidential and exempt information in order to perform  
5 its duties and responsibilities shall have access to such  
6 information.

7 Section 97. Paragraph (f) of subsection (7) of section  
8 1004.447, Florida Statutes, is amended to read:

9 1004.447 Florida Institute for Human and Machine  
10 Cognition, Inc.--

11 (7) The corporation shall employ a chief executive  
12 officer to administer the affairs of the Florida Institute for  
13 Human and Machine Cognition, Inc. The chief executive officer  
14 shall be appointed by and serve at the pleasure of the board  
15 of directors. The chief executive officer shall exercise the  
16 following powers and duties, subject to the approval of the  
17 board of directors:

18 (f) Annually report in writing to the Board of  
19 Governors ~~Commissioner of Education~~ on the activities of the  
20 institute and state budget allocation expenditures.

21 Section 98. Section 1004.47, Florida Statutes, is  
22 amended to read:

23 1004.47 Research activities relating to solid and  
24 hazardous waste management.--Research, training, and service  
25 activities related to solid and hazardous waste management  
26 conducted by state universities shall be coordinated by the  
27 Board of Governors ~~State Board of Education~~. Proposals for  
28 research contracts and grants; public service assignments; and  
29 responses to requests for information and technical assistance  
30 by state and local government, business, and industry shall be  
31 addressed by a formal ~~Type I Center~~ process involving an

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1 advisory board of university personnel appointed by the  
2 Chancellor of the State University System ~~Commissioner of~~  
3 ~~Education~~ and chaired and directed by an individual appointed  
4 by the Chancellor of the State University System ~~Commissioner~~  
5 ~~of Education~~. The Board of Governors ~~State Board of Education~~  
6 shall consult with the Department of Environmental Protection  
7 in developing the research programs and provide the department  
8 with a copy of the proposed research program for review and  
9 comment before the research is undertaken. Research contracts  
10 shall be awarded to independent nonprofit colleges and  
11 universities within the state which are accredited by the  
12 Southern Association of Colleges and Schools on the same basis  
13 as those research contracts awarded to the state universities.  
14 Research activities shall include, but are not limited to, the  
15 following areas:

16 (1) Methods and processes for recycling solid and  
17 hazardous waste.

18 (2) Methods of treatment for detoxifying hazardous  
19 waste.

20 (3) Technologies for disposing of solid and hazardous  
21 waste.

22 Section 99. Paragraph (b) of subsection (1),  
23 paragraphs (a) and (i) of subsection (2), and subsection (3)  
24 of section 1004.58, Florida Statutes, are amended to read:

25 1004.58 Leadership Board for Applied Research and  
26 Public Service.--

27 (1) There is created the Leadership Board for Applied  
28 Research and Public Service to be staffed by the Institute of  
29 Science and Public Affairs at Florida State University. The  
30 purpose of the board is to focus, coordinate, and maximize  
31 university resources on current issues and events affecting

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1 Florida's residents and elected officials. Emphasis shall be  
2 placed on being responsive to and providing accurate, timely,  
3 useful, and relevant information to decisionmakers in state  
4 and local governments. The board shall set forth a process to  
5 provide comprehensive guidance and advice for improving the  
6 types and quality of services to be delivered by the state  
7 universities. Specifically, the board shall better identify  
8 and define the missions and roles of existing institutes and  
9 centers at each state university, work to eliminate  
10 duplication and confusion over conflicting roles and missions,  
11 involve more students in learning with applied research and  
12 public service activities, and be organizationally separate  
13 from academic departments. The board shall meet at least  
14 quarterly. The board may create internal management councils  
15 that may include working institute and center directors. The  
16 board is responsible for, but is not limited to:

17 (b) Addressing state university policy matters and  
18 making recommendations to the Board of Governors ~~State Board~~  
19 ~~of Education~~ as they relate to applied public service and  
20 research.

21 (2) Membership of the board shall be:

22 (a) The Chancellor of the State University System  
23 ~~Commissioner of Education~~, or the chancellor's ~~commissioner's~~  
24 designee, who shall serve as chair.

25 (i) Five additional university president members,  
26 designated by the chancellor ~~commissioner~~, to rotate annually.

27 (3) The board shall prepare a report for the Board of  
28 Governors ~~State Board of Education~~ to be submitted to the  
29 Governor and the Legislature by January 1 of each year which  
30 summarizes the work and recommendations of the board in  
31 meeting its purpose and mission.

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Section 100. Paragraph (d) of subsection (1) of section 1005.03, Florida Statutes, is amended to read:

1005.03 Designation "college" or "university".--

(1) The use of the designation "college" or "university" in combination with any series of letters, numbers, or words is restricted in this state to colleges or universities as defined in s. 1005.02 that offer degrees as defined in s. 1005.02 and fall into at least one of the following categories:

(d) A college that is ~~under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are eligible to participate in~~ for the William L. Boyd, IV, Florida Resident Access Grant ~~Program~~, and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

Section 101. Paragraph (c) of subsection (1) of section 1005.06, Florida Statutes, is amended to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.--

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(c) Any institution that is ~~under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are eligible to participate in~~ for the William L. Boyd, IV, Florida Resident Access Grant ~~Program~~, and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of



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1 Colleges and Schools to grant baccalaureate degrees.

2           Section 102. Paragraph (e) of subsection (2) of  
3 section 1005.22, Florida Statutes, is amended to read:

4           1005.22 Powers and duties of commission.--

5           (2) The commission may:

6           (e) Advise the Governor, the Legislature, the State  
7 Board of Education, ~~the Council for Education Policy Research~~  
8 ~~and Improvement~~, and the Commissioner of Education on issues  
9 relating to private postsecondary education.

10           Section 103. Section 1006.53, Florida Statutes, is  
11 amended to read:

12           1006.53 Religious observances.--Each public  
13 postsecondary educational institution shall adopt a policy ~~in~~  
14 ~~accordance with rules of the State Board of Education~~ which  
15 reasonably accommodates the religious observance, practice,  
16 and belief of individual students in regard to admissions,  
17 class attendance, and the scheduling of examinations and work  
18 assignments. Each policy shall include a grievance procedure  
19 by which a student who believes that he or she has been  
20 unreasonably denied an educational benefit due to his or her  
21 religious belief or practices may seek redress. Such policy  
22 shall be made known to faculty and students annually in  
23 inclusion in the institution's handbook, manual, or other  
24 similar document regularly provided to faculty and students.

25           Section 104. Subsection (3) of section 1006.60,  
26 Florida Statutes, is amended to read:

27           1006.60 Codes of conduct; disciplinary measures;  
28 rulemaking authority.--

29           (3) Sanctions authorized by such codes of conduct may  
30 be imposed only for acts or omissions in violation of rules  
31 adopted by the institution, including rules adopted under this

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1 section, rules of the State Board of Education or the Board of  
2 Governors regarding the State University System, county and  
3 municipal ordinances, and the laws of this state, the United  
4 States, or any other state.

5 Section 105. Subsection (1) of section 1006.61,  
6 Florida Statutes, is amended to read:

7 1006.61 Participation by students in disruptive  
8 activities at public postsecondary educational institution;  
9 penalties.--

10 (1) Any person who accepts the privilege extended by  
11 the laws of this state of attendance at any public  
12 postsecondary educational institution shall, by attending such  
13 institution, be deemed to have given his or her consent to the  
14 policies of that institution, the State Board of Education,  
15 and the Board of Governors regarding the State University  
16 System, and the laws of this state. Such policies shall  
17 include prohibition against disruptive activities at public  
18 postsecondary educational institutions.

19 Section 106. Subsections (1) and (3) of section  
20 1006.62, Florida Statutes, are amended to read:

21 1006.62 Expulsion and discipline of students of  
22 community colleges and state universities.--

23 (1) Each student in a community college or state  
24 university is subject to federal and state law, respective  
25 county and municipal ordinances, and all rules and regulations  
26 of the State Board of Education, the Board of Governors  
27 regarding the State University System, or the board of  
28 trustees of the institution.

29 (3) Each president of a community college or state  
30 university may, after notice to the student of the charges and  
31 after a hearing thereon, ~~to~~ expel, suspend, or otherwise

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1 discipline any student who is found to have violated any law,  
2 ordinance, or rule or regulation of the State Board of  
3 Education, the Board of Governors regarding the State  
4 University System, or ~~of~~ the board of trustees of the

5 institution. A student may be entitled to waiver of expulsion:

6 (a) If the student provides substantial assistance in  
7 the identification, arrest, or conviction of any of his or her  
8 accomplices, accessories, coconspirators, or principals or of  
9 any other person engaged in violations of chapter 893 within a  
10 state university or community college;

11 (b) If the student voluntarily discloses his or her  
12 violations of chapter 893 prior to his or her arrest; or

13 (c) If the student commits himself or herself, or is  
14 referred by the court in lieu of sentence, to a state-licensed  
15 drug abuse program and successfully completes the program.

16 Section 107. Section 1006.65, Florida Statutes, is  
17 amended to read:

18 1006.65 Safety issues in courses offered by public  
19 postsecondary educational institutions.--

20 (1) The State Board of Education shall adopt rules to  
21 ensure that policies and procedures are in place to protect  
22 the health and safety of students, instructional personnel,  
23 and visitors who participate in courses offered by a community  
24 college ~~public postsecondary educational institution~~.

25 (2) The Board of Governors shall adopt rules to ensure  
26 that policies and procedures are in place to protect the  
27 health and safety of students, instructional personnel, and  
28 visitors who participate in courses offered by a state  
29 university.

30 (3)(2) Such policies and procedures shall be guided by  
31 industry standards for practices in the course content area

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1 and shall conform with all related and relevant state and  
2 federal health and safety requirements.

3 Section 108. Section 1006.71, Florida Statutes, is  
4 amended to read:

5 1006.71 Gender equity in intercollegiate athletics.--

6 (1) GENDER EQUITY PLAN.--

7 (a) Each community college and state university shall  
8 develop a gender equity plan pursuant to s. 1000.05.

9 (b) The plan shall include consideration of equity in  
10 sports offerings, participation, availability of facilities,  
11 scholarship offerings, and funds allocated for administration,  
12 recruitment, comparable coaching, publicity and promotion, and  
13 other support costs.

14 (c) The Commissioner of Education shall annually  
15 assess the progress of each community college's ~~institution's~~  
16 plan and advise the State Board of Education and the  
17 Legislature regarding compliance.

18 (d) The Chancellor of the State University System  
19 shall annually assess the progress of each state university's  
20 plan and advise the Board of Governors and the Legislature  
21 regarding compliance.

22 (e)~~(d)~~ Each board of trustees of a public community  
23 college or state university shall annually evaluate the  
24 presidents on the extent to which the gender equity goals have  
25 been achieved.

26 (f)~~(e)~~ To determine the proper level of support for  
27 women's athletic scholarships, an equity plan may determine,  
28 where appropriate, that support for women's scholarships may  
29 be disproportionate to the support of scholarships for men.

30 (g)~~1. (f)~~ If a community college ~~or state university~~ is  
31 not in compliance with Title IX of the Education Amendments of

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1 1972 and the Florida Educational Equity Act, the State Board  
2 of Education shall:

3 ~~a.1.~~ Declare the community college ~~institution~~  
4 ineligible for competitive state grants.

5 ~~b.2.~~ Withhold funds sufficient to obtain compliance.

6  
7 The community college ~~institution~~ shall remain ineligible and  
8 the funds shall not be paid until the community college  
9 ~~institution~~ comes into compliance or the Commissioner of  
10 Education approves a plan for compliance.

11 2. If a state university is not in compliance with  
12 Title IX of the Education Amendments of 1972 and the Florida  
13 Educational Equity Act, the Board of Governors shall:

14 a. Declare the state university ineligible for  
15 competitive state grants.

16 b. Withhold funds sufficient to obtain compliance.

17  
18 The state university shall remain ineligible and the funds  
19 shall not be paid until the state university comes into  
20 compliance or the Board of Governors approves a plan for  
21 compliance.

22 (2) FUNDING.--

23 (a) An equitable portion of all separate athletic fees  
24 shall be designated for women's intercollegiate athletics.

25 (b) The level of funding and percentage share of  
26 support for women's intercollegiate athletics for community  
27 colleges shall be determined by the State Board of Education.  
28 The level of funding and percentage share of support for  
29 women's intercollegiate athletics for state universities shall  
30 be determined by the Board of Governors. The level of funding  
31 and percentage share attained in the 1980-1981 fiscal year

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1 shall be the minimum level and percentage maintained by each  
2 institution, except as the State Board of Education or the  
3 Board of Governors otherwise directs its respective  
4 institutions for the purpose of assuring equity. Consideration  
5 shall be given by the State Board of Education or the Board of  
6 Governors to emerging athletic programs at institutions which  
7 may not have the resources to secure external funds to provide  
8 athletic opportunities for women. It is the intent that the  
9 effect of any redistribution of funds among institutions shall  
10 not negate the requirements as set forth in this section.

11 (c) In addition to the above amount, an amount equal  
12 to the sales taxes collected from admission to athletic events  
13 sponsored by a state university shall be retained and utilized  
14 by each university to support women's athletics.

15 (3) STATE BOARD OF EDUCATION.--The State Board of  
16 Education shall assure equal opportunity for female athletes  
17 at community colleges and establish:

18 (a) Guidelines for reporting of intercollegiate  
19 athletics data concerning financial, program, and facilities  
20 information for review by the State Board of Education  
21 annually.

22 (b) Systematic audits for the evaluation of such data.

23 (c) Criteria for determining and assuring equity.

24 (4) BOARD OF GOVERNORS.--The Board of Governors shall  
25 ensure equal opportunity for female athletes at state  
26 universities and establish:

27 (a) Guidelines for reporting of intercollegiate  
28 athletics data concerning financial, program, and facilities  
29 information for review by the Board of Governors annually.

30 (b) Systematic audits for the evaluation of such data.

31 (c) Criteria for determining and ensuring equity.

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1           Section 109. Section 1007.01, Florida Statutes, is  
2 amended to read:

3           1007.01 Articulation; legislative intent; purpose;  
4 role of the State Board of Education and the Board of  
5 Governors.--

6           (1) It is the intent of the Legislature to facilitate  
7 articulation and seamless integration of the K-20 education  
8 system by building and sustaining relationships among K-20  
9 public organizations, between public and private  
10 organizations, and between the education system as a whole and  
11 Florida's communities. The purpose of building and sustaining  
12 these relationships is to provide for the efficient and  
13 effective progression and transfer of students within the  
14 education system and to allow students to proceed toward their  
15 educational objectives as rapidly as their circumstances  
16 permit.

17           (2) To improve and facilitate articulation systemwide,  
18 the State Board of Education and the Board of Governors shall  
19 recommend ~~develop~~ policies and guidelines to the Legislature  
20 with input from statewide K-20 advisory groups established by  
21 the Commissioner of Education relating to:

22           (a) The alignment between the exit requirements of one  
23 system and the admissions requirements of another system into  
24 which students typically transfer.

25           (b) The identification of common courses, the level of  
26 courses, institutional participation in a statewide course  
27 numbering system, and the transferability of credits among  
28 such institutions.

29           (c) Identification of courses that meet general  
30 education or common degree program prerequisite requirements  
31 at public postsecondary educational institutions.

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1 (d) Dual enrollment course equivalencies.

2 (e) Articulation agreements.

3 Section 110. Subsection (1) of section 1007.22,  
4 Florida Statutes, is amended to read:

5 1007.22 Articulation; postsecondary institution  
6 coordination and collaboration.--

7 (1) The university boards of trustees, community  
8 college boards of trustees, and district school boards are  
9 encouraged to ~~may~~ establish intrainstitutional and  
10 interinstitutional programs to maximize articulation. Programs  
11 may include upper-division-level courses offered at the  
12 community college, distance learning, transfer agreements that  
13 facilitate the transfer of credits between public and  
14 nonpublic postsecondary institutions, and the concurrent  
15 enrollment of students at a community college and a state  
16 university to enable students to take any level of  
17 baccalaureate degree coursework.

18 Section 111. Subsections (1), (2), and (5) of section  
19 1007.23, Florida Statutes, are amended to read:

20 1007.23 Statewide articulation agreement.--

21 (1) The State Board of Education, in consultation with  
22 the Board of Governors, shall establish in rule a statewide  
23 articulation agreement that governs:

24 (a) Articulation between secondary and postsecondary  
25 education;

26 (b) Admission of associate in arts degree graduates  
27 from community colleges and state universities;

28 (c) Admission of applied technology diploma program  
29 graduates from community colleges or career centers;

30 (d) Admission of associate in science degree and  
31 associate in applied science degree graduates from community



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1 colleges;

2 (e) The use of acceleration mechanisms, including  
3 nationally standardized examinations through which students  
4 may earn credit;

5 (f) General education requirements and statewide  
6 course numbers as provided for in ss. 1007.24 and 1007.25; and

7 (g) Articulation among programs in nursing.

8 (2) The articulation agreement must specifically  
9 provide that every associate in arts graduate of a community  
10 college shall have met all general education requirements and  
11 must be granted admission to the upper division of a state  
12 university except to a limited access or teacher certification  
13 program or a major program requiring an audition. ~~After~~  
14 ~~admission has been granted to students under provisions of~~  
15 ~~this section and to university students who have successfully~~  
16 ~~completed 60 credit hours of coursework, including 36 hours of~~  
17 ~~general education, and met the requirements of s. 1008.29,~~  
18 ~~admission shall be granted to state university and community~~  
19 ~~college students who have successfully completed 60 credit~~  
20 ~~hours of work, including 36 hours of general education.~~

21 Community college associate in arts graduates shall receive  
22 priority for admission to a state university over out-of-state  
23 students. Orientation programs and student handbooks provided  
24 to freshman enrollees and transfer students at state  
25 universities must include an explanation of this provision of  
26 the articulation agreement.

27 (5) The articulation agreement must guarantee the  
28 articulation of 9 credit hours toward a postsecondary degree  
29 in early childhood education for programs approved by the  
30 State Board of Education and the Board of Governors which:

31 (a) Award a child development associate credential

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1 issued by the National Credentialing Program of the Council  
2 for Professional Recognition or award a credential approved  
3 under s. 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being  
4 equivalent to the child development associate credential; and

5 (b) Include training in emergent literacy which meets  
6 or exceeds the minimum standards for training courses for  
7 prekindergarten instructors of the Voluntary Prekindergarten  
8 Education Program in s. 1002.59.

9 Section 112. Subsections (1), (2), (3), and (4) of  
10 section 1007.24, Florida Statutes, are amended to read:

11 1007.24 Statewide course numbering system.--

12 (1) The Department of Education, in conjunction with  
13 the Board of Governors, shall develop, coordinate, and  
14 maintain a statewide course numbering system for postsecondary  
15 and dual enrollment education in school districts, public  
16 postsecondary educational institutions, and participating  
17 nonpublic postsecondary educational institutions that will  
18 improve program planning, increase communication among all  
19 delivery systems, and facilitate student acceleration and the  
20 transfer of students and credits between public school  
21 districts, public postsecondary educational institutions, and  
22 participating nonpublic educational institutions. The  
23 continuing maintenance of the system shall be accomplished  
24 with the assistance of appropriate faculty committees  
25 representing public and participating nonpublic educational  
26 institutions.

27 (2) The Commissioner of Education, in conjunction with  
28 the Chancellor of the State University System, shall appoint  
29 faculty committees representing faculties of participating  
30 institutions to recommend a single level for each course,  
31 including postsecondary career education courses, included in

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1 the statewide course numbering system.

2 (a) Any course designated as an upper-division-level  
3 course must be characterized by a need for advanced academic  
4 preparation and skills that a student would be unlikely to  
5 achieve without significant prior coursework.

6 (b) A course that is offered as part of an associate  
7 in science degree program and as an upper-division course for  
8 a baccalaureate degree shall be designated for both the lower  
9 and upper division.

10 (c) A course designated as lower-division may be  
11 offered by any community college.

12 (3) The Commissioner of Education shall recommend to  
13 the State Board of Education the levels for the courses. The  
14 State Board of Education, with input from the Board of  
15 Governors, shall approve the levels for the courses.

16 (4) The statewide course numbering system shall  
17 include the courses at the recommended levels.

18 Section 113. Subsections (5), (6), (8), (9), and (11)  
19 of section 1007.25, Florida Statutes, are amended to read:

20 1007.25 General education courses; common  
21 prerequisites; and other degree requirements.--

22 (5) The department shall identify common prerequisite  
23 courses and course substitutions for degree programs across  
24 all institutions. Common degree program prerequisites shall be  
25 offered and accepted by all state universities and community  
26 colleges, except in cases approved by the State Board of  
27 Education for community colleges and the Board of Governors  
28 for state universities ~~pursuant to s. 1001.02(2)(x)~~. The  
29 department shall develop a centralized database containing the  
30 list of courses and course substitutions that meet the  
31 prerequisite requirements for each baccalaureate degree

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1 program.

2 (6) The boards of trustees of the community colleges  
3 ~~and state universities~~ shall identify their core curricula,  
4 which shall include courses required by the State Board of  
5 Education. The boards of trustees of the state universities  
6 shall identify their core curricula, which shall include  
7 courses required by the Board of Governors. The universities  
8 and community colleges shall work with their school districts  
9 to assure that high school curricula coordinate with the core  
10 curricula and to prepare students for college-level work. Core  
11 curricula for associate in arts programs shall be adopted in  
12 rule by the State Board of Education and shall include 36  
13 semester hours of general education courses in the subject  
14 areas of communication, mathematics, social sciences,  
15 humanities, and natural sciences.

16 (8) A baccalaureate degree program shall require no  
17 more than 120 semester hours of college credit, including 36  
18 semester hours of general education coursework, unless prior  
19 approval has been granted by the Board of Governors for  
20 baccalaureate degree programs offered by state universities  
21 and by the State Board of Education for baccalaureate degree  
22 programs offered by community colleges.

23 (9) A student who received an associate in arts degree  
24 for successfully completing 60 semester credit hours may  
25 continue to earn additional credits at a community college.  
26 The university must provide credit toward the student's  
27 baccalaureate degree for an additional community college  
28 course if, according to the statewide course numbering, the  
29 community college course is a course listed in the university  
30 catalog as required for the degree or as prerequisite to a  
31 course required for the degree. Of the courses required for

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1 the degree, at least half of the credit hours required for the  
2 degree shall be achievable through courses designated as lower  
3 division, except in degree programs approved by the State  
4 Board of Education for programs offered by community colleges  
5 and by the Board of Governors for programs offered by state  
6 universities.

7 (11) The Commissioner of Education shall appoint  
8 faculty committees representing both community college and  
9 public school faculties to recommend to the commissioner for  
10 approval by the State Board of Education a standard program  
11 length and appropriate occupational completion points for each  
12 postsecondary career certificate program, diploma, and degree  
13 offered by a school district or a community college.

14 Section 114. Paragraph (b) of subsection (2) and  
15 paragraph (d) of subsection (3) of section 1007.2615, Florida  
16 Statutes, are amended to read:

17 1007.2615 American Sign Language; findings;  
18 foreign-language credits authorized; teacher licensing.--

19 (2) AMERICAN SIGN LANGUAGE; FOREIGN-LANGUAGE CREDIT.--

20 (b) Any public or independent school may offer  
21 American Sign Language for foreign-language credit. Students  
22 taking American Sign Language for foreign-language credit must  
23 be advised by the school board prior to enrollment in such  
24 course that state universities and postsecondary institutions  
25 outside of Florida may not accept such credits as satisfying  
26 foreign-language requirements.

27 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE  
28 BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE  
29 TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.--

30 (d) The Commissioner of Education shall work with  
31 providers of postsecondary education, except for state

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1 universities, to develop and implement a plan to ensure that  
2 these ~~postsecondary~~ institutions in this state will accept  
3 secondary school credits in ASL as credits in a foreign  
4 language and to encourage postsecondary institutions to offer  
5 ASL courses to students as a fulfillment of the requirement  
6 for studying a foreign language.

7 Section 115. Section 1007.262, Florida Statutes, is  
8 amended to read:

9 1007.262 Foreign language competence; equivalence  
10 determinations.--The Department of Education shall identify  
11 the competencies demonstrated by students upon the successful  
12 completion of 2 credits of sequential high school foreign  
13 language instruction. For the purpose of determining  
14 postsecondary equivalence ~~pursuant to s. 1007.261(1)(b),~~ the  
15 department shall develop rules through which community  
16 colleges correlate such competencies to the competencies  
17 required of students in the colleges' respective courses.  
18 Based on this correlation, each community college shall  
19 identify the minimum number of postsecondary credits that  
20 students must earn in order to demonstrate a level of  
21 competence in a foreign language at least equivalent to that  
22 of students who have completed 2 credits of such instruction  
23 in high school. The department may also specify alternative  
24 means by which students can demonstrate equivalent foreign  
25 language competence, including means by which a student whose  
26 native language is not English may demonstrate proficiency in  
27 the native language. A student who demonstrates proficiency in  
28 a native language other than English is exempt from a ~~the~~  
29 requirement of completing foreign language courses at the  
30 secondary or community college ~~postsecondary~~ level.

31 Section 116. Section 1007.264, Florida Statutes, is

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1 amended to read:

2           1007.264 Impaired and learning disabled persons;  
3 admission to postsecondary educational institutions;  
4 substitute requirements; rules.--

5           (1) Any student with a disability, as defined in s.  
6 1007.02(2), except those students who have been documented as  
7 having mental retardation, shall be eligible for reasonable  
8 substitution for any requirement for admission into a public  
9 postsecondary educational institution where documentation can  
10 be provided that the person's failure to meet the admission  
11 requirement is related to the disability.

12           (2) The State Board of Education shall adopt rules to  
13 implement this section for community colleges and shall  
14 develop substitute admission requirements where appropriate.

15           (3) The Board of Governors shall adopt rules to  
16 implement this section for state universities and shall  
17 develop substitute admission requirements where appropriate.

18           Section 117. Section 1007.265, Florida Statutes, is  
19 amended to read:

20           1007.265 Impaired and learning disabled persons;  
21 graduation, study program admission, and upper-division entry;  
22 substitute requirements; rules.--

23           (1) Any student with a disability, as defined in s.  
24 1007.02(2), in a public postsecondary educational institution,  
25 except those students who have been documented as having  
26 mental retardation, shall be eligible for reasonable  
27 substitution for any requirement for graduation, for admission  
28 into a program of study, or for entry into the upper division  
29 where documentation can be provided that the person's failure  
30 to meet the requirement is related to the disability and where  
31 failure to meet the graduation requirement or program

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admission requirement does not constitute a fundamental alteration in the nature of the program.

(2) The State Board of Education shall adopt rules to implement this section for community colleges and shall develop substitute requirements where appropriate.

(3) The Board of Governors shall adopt rules to implement this section for state universities and shall develop substitute requirements where appropriate.

Section 118. Subsections (6), (7), (8), (9), and (11) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.--

(6) Advanced placement shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be identified in the statewide articulation agreement required by s. 1007.23(1) ~~determined by the department.~~

Students of Florida public secondary schools enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination.

(7) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum



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1 scores required for an award of credit shall be delineated by  
2 the State Board of Education and the Board of Governors in the  
3 statewide articulation agreement required by s. 1007.23(1).

4 The maximum credit generated by a student pursuant to this  
5 subsection shall be mitigated by any related postsecondary  
6 credit earned by the student prior to the administration of  
7 the examination. This subsection shall not preclude community  
8 colleges and universities from awarding credit by examination  
9 based on student performance on examinations developed within  
10 and recognized by the individual postsecondary institutions.

11 (8) The International Baccalaureate Program shall be  
12 the curriculum in which eligible secondary students are  
13 enrolled in a program of studies offered through the  
14 International Baccalaureate Program administered by the  
15 International Baccalaureate Office. The State Board of  
16 Education and the Board of Governors shall ~~establish rules~~  
17 ~~which~~ specify in the statewide articulation agreement required  
18 by s. 1007.23(1) the cutoff scores and International  
19 Baccalaureate Examinations which will be used to grant  
20 postsecondary credit at community colleges and universities.  
21 Any changes to the articulation agreement ~~such rules~~, which  
22 have the effect of raising the required cutoff score or of  
23 changing the International Baccalaureate Examinations which  
24 will be used to grant postsecondary credit, shall only apply  
25 to students taking International Baccalaureate Examinations  
26 after such changes ~~rules~~ are adopted by the State Board of  
27 Education and the Board of Governors. Students shall be  
28 awarded a maximum of 30 semester credit hours pursuant to this  
29 subsection. The specific course for which a student may  
30 receive ~~receives~~ such credit shall be specified in the  
31 statewide articulation agreement required by s. 1007.23(1)

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1 ~~determined by the department~~. Students enrolled pursuant to  
2 this subsection shall be exempt from the payment of any fees  
3 for administration of the examinations regardless of whether  
4 or not the student achieves a passing score on the  
5 examination.

6 (9) The Advanced International Certificate of  
7 Education Program and the International General Certificate of  
8 Secondary Education (pre-AICE) Program shall be the curricula  
9 in which eligible secondary students are enrolled in programs  
10 of study offered through the Advanced International  
11 Certificate of Education Program or the International General  
12 Certificate of Secondary Education (pre-AICE) Program  
13 administered by the University of Cambridge Local Examinations  
14 Syndicate. The State Board of Education and the Board of  
15 Governors shall ~~establish rules which~~ specify in the statewide  
16 articulation agreement required by s. 1007.23(1) the cutoff  
17 scores and Advanced International Certificate of Education  
18 examinations which will be used to grant postsecondary credit  
19 at community colleges and universities. Any changes to the  
20 cutoff scores ~~such rules~~, which changes have the effect of  
21 raising the required cutoff score or of changing the Advanced  
22 International Certification of Education examinations which  
23 will be used to grant postsecondary credit, shall apply to  
24 students taking Advanced International Certificate of  
25 Education examinations after such changes ~~rules~~ are adopted by  
26 the State Board of Education and the Board of Governors.  
27 Students shall be awarded a maximum of 30 semester credit  
28 hours pursuant to this subsection. The specific course for  
29 which a student may receive ~~receives~~ such credit shall be  
30 determined by the community college or university that accepts  
31 the student for admission. Students enrolled in either program

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1 of study pursuant to this subsection shall be exempt from the  
2 payment of any fees for administration of the examinations  
3 regardless of whether the student achieves a passing score on  
4 the examination.

5 ~~(11)(a) The State Board of Education shall conduct a~~  
6 ~~review of the extent to which the acceleration mechanisms~~  
7 ~~authorized by this section are currently utilized by school~~  
8 ~~districts and public postsecondary educational institutions~~  
9 ~~and shall submit a report to the Governor and the Legislature~~  
10 ~~by December 31, 2003.~~

11 ~~(b) The report must include a summary of ongoing~~  
12 ~~activities and a plan to increase and enhance the use of~~  
13 ~~acceleration mechanisms as a way to shorten the length of time~~  
14 ~~as well as the funding required for a student, including a~~  
15 ~~student with a documented disability, to obtain a~~  
16 ~~postsecondary degree.~~

17 ~~(c) The review and plan shall address, but are not~~  
18 ~~limited to, the following issues:~~

19 ~~1. The manner in which students, including students~~  
20 ~~with documented disabilities, are advised regarding the~~  
21 ~~availability of acceleration mechanism options.~~

22 ~~2. The availability of acceleration mechanism options~~  
23 ~~to eligible students, including students with documented~~  
24 ~~disabilities, who wish to participate.~~

25 ~~3. The grading practices, including weighting of~~  
26 ~~courses, of school districts and public postsecondary~~  
27 ~~educational institutions with regard to credit earned through~~  
28 ~~acceleration mechanisms.~~

29 ~~4. The extent to which credit earned through an~~  
30 ~~acceleration mechanism is used to meet the general education~~  
31 ~~requirements of a public postsecondary educational~~

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1 ~~institution.~~

2           ~~5. The extent to which the secondary instruction~~  
3 ~~associated with acceleration mechanism options could be~~  
4 ~~offered at sites other than public K through 12 school sites~~  
5 ~~to assist in meeting class size reduction needs.~~

6           ~~6. The manner in which funding for instruction~~  
7 ~~associated with acceleration mechanism options is provided.~~

8           ~~7. The feasibility of providing students, including~~  
9 ~~students with documented disabilities, the option of choosing~~  
10 ~~Advanced Placement credit or College Level Examination Program~~  
11 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~  
12 ~~completion of a dual enrollment course.~~

13           Section 119. Section 1007.28, Florida Statutes, is  
14 amended to read:

15           1007.28 Computer-assisted student advising  
16 system.--The Department State Board of Education, in  
17 conjunction with the Board of Governors, shall establish and  
18 maintain ~~within the Department of Education~~ a single,  
19 statewide computer-assisted student advising system, which  
20 must be an integral part of the process of advising,  
21 registering, and certifying students for graduation. ~~It is~~  
22 ~~intended that an advising system be the primary advising and~~  
23 ~~tracking tool for students enrolled in public postsecondary~~  
24 ~~educational institutions~~ and must be accessible to all Florida  
25 students. The state universities and community colleges shall  
26 interface institutional systems with the computer-assisted  
27 advising system required by this section. The State Board of  
28 Education and the Board of Governors shall specify in the  
29 statewide articulation agreement required by s. 1007.23(1)  
30 ~~prescribe by rule~~ the roles and responsibilities of the  
31 department, the state universities, and the community colleges

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1 in the design, implementation, promotion, development, and  
2 analysis of the system. The system shall consist of a degree  
3 audit and an articulation component that includes the  
4 following characteristics:

5 (1) The system shall constitute an integral part of  
6 the process of advising students and assisting them in course  
7 selection. The system shall be accessible to students in the  
8 following ways:

9 (a) A student must be able to access the system, at  
10 any time, to identify course options that will meet the  
11 requirements of a selected path toward a degree.

12 (b) A status report from the system shall be generated  
13 and sent with each grade report to each student enrolled in  
14 public postsecondary educational institutions with a declared  
15 major.

16 (2) The system shall be an integral part of the  
17 registration process at public postsecondary educational  
18 institutions. As part of the process, the system shall:

19 (a) Provide reports that document each student's  
20 status toward completion of a degree.

21 (b) Verify that a student has completed requirements  
22 for graduation.

23 (3) The system must provide students information  
24 related to career descriptions and corresponding educational  
25 requirements, admissions requirements, and available sources  
26 of student financial assistance. Such advising must enable  
27 students to examine their interests and aptitudes for the  
28 purpose of curricular and career planning.

29 (4) The system must provide management information to  
30 decisionmakers, including information relating student  
31 enrollment patterns and course demands to plans for

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1 corresponding course offerings and information useful in  
2 planning the student registration process.

3 Section 120. Subsection (3) of section 1007.33,  
4 Florida Statutes, is amended to read:

5 1007.33 Site-determined baccalaureate degree access.--

6 (3) A community college may develop a proposal to  
7 deliver specified baccalaureate degree programs in its  
8 district to meet local workforce needs. The proposal must be  
9 submitted to the State Board of Education for approval. The  
10 community college's proposal must include the following  
11 information:

12 (a) Demand for the baccalaureate degree program is  
13 identified by the workforce development board, local  
14 businesses and industry, local chambers of commerce, and  
15 potential students.

16 (b) Unmet need for graduates of the proposed degree  
17 program is substantiated.

18 (c) The community college has the facilities and  
19 academic resources to deliver the program.

20

21 ~~The proposal must be submitted to the Council for Education~~  
22 ~~Policy Research and Improvement for review and comment.~~ Upon  
23 approval of the State Board of Education for the specific  
24 degree program or programs, the community college shall pursue  
25 regional accreditation by the Commission on Colleges of the  
26 Southern Association of Colleges and Schools. Any additional  
27 baccalaureate degree programs the community college wishes to  
28 offer must be approved by the State Board of Education.

29 Section 121. Subsections (4), (8), and (9) of section  
30 1008.29, Florida Statutes, are amended to read:

31 1008.29 College-level communication and mathematics

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1 skills examination (CLAST).--

2 (4) The State Board of Education, in conjunction with  
3 the Board of Governors ~~by rule~~, shall set the minimum scores  
4 that constitute successful completion of the examination. In  
5 establishing the minimum scores that constitute successful  
6 completion of the examination, the boards ~~State Board of~~  
7 ~~Education~~ shall consider any possible negative impact of the  
8 tests on minority students. Determinations regarding a  
9 student's successful completion of the examination shall be  
10 based on the minimum standards ~~prescribed by rule~~ for the date  
11 the student initially takes the examination.

12 (8)(a) The State Board of Education, by rule, shall  
13 establish fees for the administration of the examination by  
14 community colleges at times other than regularly scheduled  
15 dates to accommodate examinees who are unable to be tested on  
16 those dates. The state board shall establish the conditions  
17 under which examinees may be admitted to the special  
18 administrations.

19 (b) The Board of Governors may establish fees for the  
20 administration of the examination by state universities at  
21 times other than regularly scheduled dates to accommodate  
22 examinees who are unable to be tested on those dates. The  
23 Board of Governors may establish the conditions under which  
24 examinees may be admitted to the special administrations.

25 (9) Any student fulfilling one or both of the  
26 following requirements before completion of associate in arts  
27 degree requirements or baccalaureate degree requirements is  
28 exempt from the testing requirements of this section:

29 (a) Achieves a score that meets or exceeds a minimum  
30 score on a nationally standardized examination, as established  
31 by the State Board of Education in conjunction with the Board

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1 of Governors; or

2 (b) Demonstrates successful remediation of any  
3 academic deficiencies identified by the college placement test  
4 and achieves a cumulative grade point average of 2.5 or above,  
5 on a 4.0 scale, in postsecondary-level coursework identified  
6 by the State Board of Education in conjunction with the Board  
7 of Governors. The Department of Education shall specify the  
8 means by which a student may demonstrate successful  
9 remediation.

10

11 Any student denied a degree prior to January 1, 1996, based on  
12 the failure of at least one subtest of the CLAST may use  
13 either of the alternatives specified in this subsection for  
14 receipt of a degree if such student meets all degree program  
15 requirements at the time of application for the degree under  
16 the exemption provisions of this subsection. This section does  
17 not require a student to take the CLAST before being given the  
18 opportunity to use any of the alternatives specified in this  
19 subsection. The exemptions provided herein do not apply to  
20 requirements for certification as provided in s. 1012.56.

21 Section 122. Subsections (1) and (4) of section  
22 1008.30, Florida Statutes, are amended to read:

23 1008.30 Common placement testing for public  
24 postsecondary education.--

25 (1) The State Board of Education shall develop and  
26 implement a common placement test for the purpose of assessing  
27 the basic computation and communication skills of students who  
28 intend to enter a degree program at any public postsecondary  
29 educational institution. ~~The State Board of Education shall~~  
30 ~~adopt rules which enable~~ Public postsecondary educational  
31 institutions shall provide ~~to implement~~ appropriate



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1 modifications of the test instruments or test procedures for  
2 students with disabilities.

3           (4)(a) Public postsecondary educational institution  
4 students who have been identified as requiring additional  
5 preparation pursuant to subsection (1) shall enroll in  
6 college-preparatory or other adult education pursuant to s.  
7 1004.93 in community colleges to develop needed college-entry  
8 skills. These students shall be permitted to take courses  
9 within their degree program concurrently in other curriculum  
10 areas for which they are qualified while enrolled in  
11 college-preparatory instruction courses. A student enrolled in  
12 a college-preparatory course may concurrently enroll only in  
13 college credit courses that do not require the skills  
14 addressed in the college-preparatory course. The State Board  
15 of Education, in conjunction with the Board of Governors,  
16 shall specify the college credit courses that are acceptable  
17 for students enrolled in each college-preparatory skill area,  
18 ~~pursuant to s. 1001.02(7)(g).~~ A student who wishes to earn an  
19 associate in arts or a baccalaureate degree, but who is  
20 required to complete a college-preparatory course, must  
21 successfully complete the required college-preparatory studies  
22 by the time the student has accumulated 12 hours of  
23 lower-division college credit degree coursework; however, a  
24 student may continue enrollment in degree-earning coursework  
25 provided the student maintains enrollment in  
26 college-preparatory coursework for each subsequent semester  
27 until college-preparatory coursework requirements are  
28 completed, and the student demonstrates satisfactory  
29 performance in degree-earning coursework. A passing score on a  
30 standardized, institutionally developed test must be achieved  
31 before a student is considered to have met basic computation

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1 and communication skills requirements; however, no student  
2 shall be required to retake any test or subtest that was  
3 previously passed by said student. Credit awarded for  
4 college-preparatory instruction may not be counted toward  
5 fulfilling the number of credits required for a degree.

6 (b) A ~~The~~ university board of trustees may contract  
7 with a community college board of trustees for the community  
8 college to provide such instruction on the state university  
9 campus. Any state university in which the percentage of  
10 incoming students requiring college-preparatory instruction  
11 equals or exceeds the average percentage of such students for  
12 the community college system may offer college-preparatory  
13 instruction without contracting with a community college;  
14 however, any state university offering college-preparatory  
15 instruction as of January 1, 1996, may continue to provide  
16 such services.

17 Section 123. Section 1008.32, Florida Statutes, is  
18 amended to read:

19 1008.32 State Board of Education oversight enforcement  
20 authority.--The State Board of Education shall oversee the  
21 performance of district school boards and community college  
22 boards of trustees ~~public postsecondary educational~~  
23 ~~institution boards~~ in enforcement of all laws and rules.  
24 District school boards and community college boards of  
25 trustees ~~public postsecondary educational institution boards~~  
26 shall be primarily responsible for compliance with law and  
27 state board rule.

28 (1) In order to ensure compliance with law or state  
29 board rule, the State Board of Education shall have the  
30 authority to request and receive information, data, and  
31 reports from school districts and community colleges ~~public~~

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1 ~~postsecondary educational institutions~~. District school  
2 superintendents and community college ~~public postsecondary~~  
3 ~~educational institution~~ presidents are responsible for the  
4 accuracy of the information and data reported to the state  
5 board.

6 (2) The Commissioner of Education may investigate  
7 allegations of noncompliance with law or state board rule and  
8 determine probable cause. The commissioner shall report  
9 determinations of probable cause to the State Board of  
10 Education which shall require the district school board or  
11 community college board of trustees ~~public postsecondary~~  
12 ~~educational institution board~~ to document compliance with law  
13 or state board rule.

14 (3) If the district school board or community college  
15 board of trustees ~~public postsecondary educational institution~~  
16 ~~board~~ cannot satisfactorily document compliance, the State  
17 Board of Education may order compliance within a specified  
18 timeframe.

19 (4) If the State Board of Education determines that a  
20 district school board or community college board of trustees  
21 ~~public postsecondary educational institution board~~ is  
22 unwilling or unable to comply with law or state board rule  
23 within the specified time, the state board shall have the  
24 authority to initiate any of the following actions:

25 (a) Report to the Legislature that the school district  
26 or community college ~~public postsecondary educational~~  
27 ~~institution~~ has been unwilling or unable to comply with law or  
28 state board rule and recommend action to be taken by the  
29 Legislature.

30 (b) Reduce the discretionary lottery appropriation  
31 until the school district or community college ~~public~~

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~~postsecondary education institution~~ complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or community college ~~public postsecondary educational institution~~ complies with the law or state board rule.

(d) Declare the school district or community college ~~public postsecondary educational institution~~ ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 124. Paragraphs (e) through (i) of subsection (8) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.--

(8) As a part of the system of educational accountability, the Department of Education shall:

(e) Maintain a listing of college-level communication and mathematics skills defined pursuant to s. 1008.29 ~~by the State Board of Education~~ as being associated with successful student performance through the baccalaureate level and submit ~~it the same~~ to the State Board of Education and the Board of Governors for approval.

(f) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of

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1 college-level communication and computation skills and submit  
2 ~~it the same~~ to the State Board of Education and the Board of  
3 Governors for approval.

4 (g) Maintain for the information of the State Board of  
5 Education, the Board of Governors, and the Legislature a file  
6 of data to reflect achievement of college-level communication  
7 and mathematics competencies by students in state universities  
8 and community colleges.

9 (h) Develop or contract for, and submit to the State  
10 Board of Education and the Board of Governors for approval,  
11 tests which measure and diagnose student achievement of  
12 college-level communication and mathematics skills. Any tests  
13 and related documents developed are exempt from the provisions  
14 of s. 119.07(1). The commissioner shall maintain statewide  
15 responsibility for the administration of such tests and may  
16 assign administrative responsibilities for the tests to any  
17 state university or community college. The state board, upon  
18 recommendation of the commissioner, may enter into contracts  
19 for such services beginning in one fiscal year and continuing  
20 into the next year which are paid from the appropriation for  
21 either or both fiscal years.

22 (i) Perform any other functions that may be involved  
23 in educational planning, research, and evaluation or that may  
24 be required by the commissioner, the State Board of Education,  
25 the Board of Governors, or law.

26 Section 125. Subsections (1) and (2) of section  
27 1008.37, Florida Statutes, are amended to read:

28 1008.37 Postsecondary feedback of information to high  
29 schools.--

30 (1) The ~~State Board of Education shall adopt rules~~  
31 ~~that require the~~ Commissioner of Education shall ~~to~~ report to

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1 the State Board of Education, the Board of Governors, the  
2 Legislature, and the district school boards on the performance  
3 of each first-time-in-postsecondary education student from  
4 each public high school in this state who is enrolled in a  
5 public postsecondary institution or public career center. Such  
6 reports must be based on information databases maintained by  
7 the Department of Education. In addition, the public  
8 postsecondary educational institutions and career centers  
9 shall provide district school boards access to information on  
10 student performance in regular and preparatory courses and  
11 shall indicate students referred for remediation pursuant to  
12 s. 1004.91 or s. 1008.30.

13 (2) The Commissioner of Education shall report, by  
14 high school, to the State Board of Education, the Board of  
15 Governors, and the Legislature, no later than November 30 of  
16 each year, on the number of prior year Florida high school  
17 graduates who enrolled for the first time in public  
18 postsecondary education in this state during the previous  
19 summer, fall, or spring term, indicating the number of  
20 students whose scores on the common placement test indicated  
21 the need for remediation through college-preparatory or  
22 vocational-preparatory instruction pursuant to s. 1004.91 or  
23 s. 1008.30.

24 Section 126. Section 1008.38, Florida Statutes, is  
25 amended to read:

26 1008.38 Articulation accountability process.--The  
27 State Board of Education, in conjunction with the Board of  
28 Governors, shall develop articulation accountability measures  
29 which assess the status of systemwide articulation processes  
30 authorized under s. 1007.23 and. ~~The State Board of Education~~  
31 ~~shall~~ establish an articulation accountability process which

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1 at a minimum shall address:

2 (1) The impact of articulation processes on ensuring  
3 educational continuity and the orderly and unobstructed  
4 transition of students between public secondary and  
5 postsecondary education systems and facilitating the  
6 transition of students between the public and private sectors.

7 (2) The adequacy of preparation of public secondary  
8 students to smoothly articulate to a public postsecondary  
9 institution.

10 (3) The effectiveness of articulated acceleration  
11 mechanisms available to secondary students.

12 (4) The smooth transfer of community college associate  
13 in arts degree graduates to a state university.

14 (5) An examination of degree requirements that exceed  
15 the parameters of 60 credit hours for an associate degree and  
16 120 hours for a baccalaureate degree in public postsecondary  
17 programs.

18 (6) The relationship between the College Level  
19 Academic Skills Test Program and articulation to the upper  
20 division in public postsecondary institutions.

21 Section 127. Paragraph (h) of subsection (1) of  
22 section 1008.45, Florida Statutes, is amended to read:

23 1008.45 Community college accountability process.--

24 (1) It is the intent of the Legislature that a  
25 management and accountability process be implemented which  
26 provides for the systematic, ongoing improvement and  
27 assessment of the improvement of the quality and efficiency of  
28 the Florida community colleges. Accordingly, the State Board  
29 of Education and the community college boards of trustees  
30 shall develop and implement an accountability plan to improve  
31 and evaluate the instructional and administrative efficiency

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1 and effectiveness of the Florida Community College System.  
2 This plan shall be designed in consultation with staff of the  
3 Governor and the Legislature and must address the following  
4 issues:

5 (h) Other measures ~~as identified by the Council for~~  
6 ~~Education Policy Research and Improvement~~ and approved by the  
7 State Board of Education.

8 Section 128. Section 1008.46, Florida Statutes, is  
9 amended to read:

10 1008.46 State university accountability process.--It  
11 is the intent of the Legislature that an accountability  
12 process be implemented that provides for the systematic,  
13 ongoing evaluation of quality and effectiveness of state  
14 universities. It is further the intent of the Legislature that  
15 this accountability process monitor performance at the system  
16 level in each of the major areas of instruction, research, and  
17 public service, while recognizing the differing missions of  
18 each of the state universities. The accountability process  
19 shall provide for the adoption of systemwide performance  
20 standards and performance goals for each standard identified  
21 through a collaborative effort involving state universities,  
22 the Board of Governors, the Legislature, and the Governor's  
23 Office. These standards and goals shall be consistent with s.  
24 216.011(1) to maintain congruity with the performance-based  
25 budgeting process. This process requires that university  
26 accountability reports reflect measures defined through  
27 performance-based budgeting. The performance-based budgeting  
28 measures must also reflect the elements of teaching, research,  
29 and service inherent in the missions of the state  
30 universities.

31 (1) By December 31 of each year, the Board of



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1 ~~Governors~~ ~~State Board of Education~~ shall submit an annual  
2 accountability report providing information on the  
3 implementation of performance standards, actions taken to  
4 improve university achievement of performance goals, the  
5 achievement of performance goals during the prior year, and  
6 initiatives to be undertaken during the next year. The  
7 accountability reports shall be designed in consultation with  
8 the Governor's Office, the Office of Program Policy Analysis  
9 and Government Accountability, and the Legislature.

10 (2) The Board of Governors ~~State Board of Education~~  
11 shall recommend in the annual accountability report any  
12 appropriate modifications to this section.

13 Section 129. Subsection (2) of section 1009.01,  
14 Florida Statutes, is amended to read:

15 1009.01 Definitions.--The term:

16 (2) "Out-of-state fee" means the additional fee for  
17 instruction provided by a public postsecondary educational  
18 institution in this state, which fee is charged to a student  
19 who does not qualify for the in-state tuition rate pursuant to  
20 s. 1009.21 ~~non-Florida student as defined in rules of the~~  
21 ~~State Board of Education~~. A charge for any other purpose shall  
22 not be included within this fee.

23 Section 130. Subsection (11) of section 1009.21,  
24 Florida Statutes, is amended to read:

25 1009.21 Determination of resident status for tuition  
26 purposes.--Students shall be classified as residents or  
27 nonresidents for the purpose of assessing tuition in community  
28 colleges and state universities.

29 (11) The State Board of Education and the Board of  
30 Governors shall adopt rules to implement this section ~~by rule~~  
31 ~~designate classifications of students as residents or~~

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~~nonresidents for tuition purposes at community colleges and  
state universities.~~

Section 131. Present subsections (3) through (14) of section 1009.24, Florida Statutes, are renumbered subsections (4) through (15), respectively, new subsections (3) and (16) are added to that section, and present subsections (6), (9), (10), and (11) of that section are amended to read:

1009.24 State university student fees.--

(3) All moneys from tuition and fees shall be deposited pursuant to s. 1011.42.

(7)(6) A university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the tuition and out-of-state fee. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that were used at the time of his or her original award. The Board of Governors ~~State Board of Education~~ shall develop criteria for making financial aid awards. Each university shall report annually to the Board of Governors ~~Department of Education~~ on the revenue collected pursuant to this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received.

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1 Awards which are based on financial need shall be distributed  
2 in accordance with a nationally recognized system of need  
3 analysis approved by the Board of Governors ~~State Board of~~  
4 ~~Education~~. An award for academic merit shall require a minimum  
5 overall grade point average of 3.0 on a 4.0 scale or the  
6 equivalent for both initial receipt of the award and renewal  
7 of the award.

8       (10)(9)(a) Each university board of trustees shall  
9 establish a student activity and service fee on the main  
10 campus of the university. The university board may also  
11 establish a student activity and service fee on any branch  
12 campus or center. Any subsequent increase in the activity and  
13 service fee must be recommended by an activity and service fee  
14 committee, at least one-half of whom are students appointed by  
15 the student body president. The remainder of the committee  
16 shall be appointed by the university president. A chairperson,  
17 appointed jointly by the university president and the student  
18 body president, shall vote only in the case of a tie. The  
19 recommendations of the committee shall take effect only after  
20 approval by the university president, after consultation with  
21 the student body president, with final approval by the  
22 university board of trustees. An increase in the activity and  
23 service fee may occur only once each fiscal year and must be  
24 implemented beginning with the fall term. The Board of  
25 Governors ~~State Board of Education~~ is responsible for adopting  
26 ~~promulgating~~ the rules and timetables necessary to implement  
27 this fee.

28       (b) The student activity and service fees shall be  
29 expended for lawful purposes to benefit the student body in  
30 general. This shall include, but shall not be limited to,  
31 student publications and grants to duly recognized student

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1 organizations, the membership of which is open to all students  
2 at the university without regard to race, sex, or religion.  
3 The fund may not benefit activities for which an admission fee  
4 is charged to students, except for  
5 student-government-association-sponsored concerts. The  
6 allocation and expenditure of the fund shall be determined by  
7 the student government association of the university, except  
8 that the president of the university may veto any line item or  
9 portion thereof within the budget when submitted by the  
10 student government association legislative body. The  
11 university president shall have 15 school days from the date  
12 of presentation of the budget to act on the allocation and  
13 expenditure recommendations, which shall be deemed approved if  
14 no action is taken within the 15 school days. If any line item  
15 or portion thereof within the budget is vetoed, the student  
16 government association legislative body shall within 15 school  
17 days make new budget recommendations for expenditure of the  
18 vetoed portion of the fund. If the university president vetoes  
19 any line item or portion thereof within the new budget  
20 revisions, the university president may reallocate by line  
21 item that vetoed portion to bond obligations guaranteed by  
22 activity and service fees. Unexpended funds and undisbursed  
23 funds remaining at the end of a fiscal year shall be carried  
24 over and remain in the student activity and service fund and  
25 be available for allocation and expenditure during the next  
26 fiscal year.

27 ~~(11)~~(10) Each university board of trustees shall  
28 establish a student health fee on the main campus of the  
29 university. The university board of trustees may also  
30 establish a student health fee on any branch campus or center.  
31 Any subsequent increase in the health fee must be recommended

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1 by a health committee, at least one-half of whom are students  
2 appointed by the student body president. The remainder of the  
3 committee shall be appointed by the university president. A  
4 chairperson, appointed jointly by the university president and  
5 the student body president, shall vote only in the case of a  
6 tie. The recommendations of the committee shall take effect  
7 only after approval by the university president, after  
8 consultation with the student body president, with final  
9 approval by the university board of trustees. An increase in  
10 the health fee may occur only once each fiscal year and must  
11 be implemented beginning with the fall term. The Board of  
12 Governors ~~State Board of Education~~ is responsible for adopting  
13 ~~promulgating~~ the rules and timetables necessary to implement  
14 this fee.

15       (12)(11) Each university board of trustees shall  
16 establish a separate athletic fee on the main campus of the  
17 university. The university board may also establish a separate  
18 athletic fee on any branch campus or center. Any subsequent  
19 increase in the athletic fee must be recommended by an  
20 athletic fee committee, at least one-half of whom are students  
21 appointed by the student body president. The remainder of the  
22 committee shall be appointed by the university president. A  
23 chairperson, appointed jointly by the university president and  
24 the student body president, shall vote only in the case of a  
25 tie. The recommendations of the committee shall take effect  
26 only after approval by the university president, after  
27 consultation with the student body president, with final  
28 approval by the university board of trustees. An increase in  
29 the athletic fee may occur only once each fiscal year and must  
30 be implemented beginning with the fall term. The Board of  
31 Governors ~~State Board of Education~~ is responsible for adopting

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1 ~~promulgating~~ the rules and timetables necessary to implement  
2 this fee.

3 (16) A state university may not charge any fee except  
4 as specifically authorized by law.

5 Section 132. Subsections (4) and (6) of section  
6 1009.26, Florida Statutes, are amended, and subsection (10) is  
7 added to that section, to read:

8 1009.26 Fee waivers.--

9 (4) A state university may waive any or all  
10 application, tuition, and related fees for persons 60 years of  
11 age or older who are residents of this state and who attend  
12 classes for credit. No academic credit shall be awarded for  
13 attendance in classes for which fees are waived under this  
14 subsection. This privilege may be granted only on a  
15 space-available basis, if such classes are not filled as of  
16 the close of registration. A university may limit or deny the  
17 privilege for courses which are in programs for which the  
18 Board of Governors ~~State Board of Education~~ has established  
19 selective admissions criteria. Persons paying full fees and  
20 state employees taking courses on a space-available basis  
21 shall have priority over those persons whose fees are waived  
22 in all cases where classroom spaces are limited.

23 (6) A university board of trustees may waive the ~~State~~  
24 ~~Board of Education may establish rules to allow for the waiver~~  
25 ~~of~~ out-of-state fees for nondegree-seeking students enrolled  
26 at a state university if the earned student credit hours  
27 generated by such students are nonfundable and the direct cost  
28 for the program of study is recovered from the fees charged to  
29 all students.

30 (10) Each university board of trustees is authorized  
31 to waive tuition and out-of-state fees for purposes that

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1 support and enhance the mission of the university. All fees  
2 waived must be based on policies that are adopted by  
3 university boards of trustees pursuant to rules adopted by the  
4 Board of Governors. Each university shall report the purpose,  
5 number, and value of all fee waivers granted annually in a  
6 format prescribed by the Board of Governors.

7 Section 133. Subsection (1) of section 1009.27,  
8 Florida Statutes, is amended to read:

9 1009.27 Deferral of fees.--

10 (1) School districts, community colleges, and state  
11 universities may defer ~~The State Board of Education shall~~  
12 ~~adopt rules to allow the deferral of tuition and registration~~  
13 fees for students receiving financial aid from a federal or  
14 state assistance program when the aid is delayed in being  
15 transmitted to the student through circumstances beyond the  
16 control of the student. The failure to make timely application  
17 for the aid is an insufficient reason to receive a deferral of  
18 fees. ~~The rules must provide for the enforcement and~~  
19 ~~collection or other settlement of delinquent accounts.~~

20 Section 134. Section 1009.285, Florida Statutes, is  
21 amended to read:

22 1009.285 Fees for repeated enrollment in  
23 college-credit courses.--A student enrolled in the same  
24 undergraduate college-credit course more than twice shall pay  
25 tuition at 100 percent of the full cost of instruction and  
26 shall not be included in calculations of full-time equivalent  
27 enrollments for state funding purposes. However, students who  
28 withdraw or fail a class due to extenuating circumstances may  
29 be granted an exception only once for each class, provided  
30 that approval is granted according to policy established by  
31 the community college board of trustees or the university

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1 board of trustees. Each community college and state university  
 2 may review and reduce fees paid by students due to continued  
 3 enrollment in a college-credit class on an individual basis  
 4 contingent upon the student's financial hardship, ~~pursuant to~~  
 5 ~~definitions and fee levels established by the State Board of~~  
 6 ~~Education~~. For purposes of this section, first-time enrollment  
 7 in a class shall mean enrollment in a class beginning fall  
 8 semester 1997, and calculations of the full cost of  
 9 instruction shall be based on the systemwide average of the  
 10 prior year's cost of undergraduate programs for the community  
 11 colleges and the state universities. Boards of trustees may  
 12 make exceptions to this section for individualized study,  
 13 elective coursework, courses that are repeated as a  
 14 requirement of a major, and courses that are intended as  
 15 continuing over multiple semesters, excluding the repeat of  
 16 coursework more than two times to increase grade point average  
 17 or meet minimum course grade requirements.

18 Section 135. Subsection (1) of section 1009.29,  
 19 Florida Statutes, is amended to read:

20 1009.29 Increased fees for funding financial aid  
 21 program.--

22 (1) Student tuition and registration fees at each  
 23 state university and community college shall include up to  
 24 \$4.68 per quarter, or \$7.02 per semester, per full-time  
 25 student, or the per-student credit hour equivalents of such  
 26 amounts. The fees provided for by this section shall be  
 27 adjusted from time to time, as necessary, to comply with the  
 28 debt service coverage requirements of the student loan revenue  
 29 bonds issued pursuant to s. 1009.79. If the Division of Bond  
 30 Finance of the State Board of Administration ~~State Board of~~  
 31 ~~Education~~ and the Commissioner of Education determine that



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1 such fees are no longer required as security for revenue bonds  
 2 issued pursuant to ss. 1009.78-1009.88, moneys previously  
 3 collected pursuant to this section which are held in escrow,  
 4 after administrative expenses have been met and up to \$150,000  
 5 has been used to establish a financial aid data processing  
 6 system for the state universities incorporating the necessary  
 7 features to meet the needs of all 11 universities for  
 8 application through disbursement processing, shall be  
 9 reallocated to the generating institutions to be used for  
 10 student financial aid programs, including, but not limited to,  
 11 scholarships and grants for educational purposes. Upon such  
 12 determination, such fees shall no longer be assessed and  
 13 collected.

14 Section 136. Section 1009.40, Florida Statutes, is  
 15 amended to read:

16 1009.40 General requirements for student eligibility  
 17 for state financial aid awards and tuition assistance  
 18 grants.--

19 (1)(a) The general requirements for eligibility of  
 20 students for state financial aid awards and tuition assistance  
 21 grants consist of the following:

22 1. Achievement of the academic requirements of and  
 23 acceptance at a state university or community college; a  
 24 nursing diploma school approved by the Florida Board of  
 25 Nursing; a Florida college, university, or community college  
 26 which is accredited by an accrediting agency recognized by the  
 27 State Board of Education; any Florida institution the credits  
 28 of which are acceptable for transfer to state universities;  
 29 any career center; or any private career institution  
 30 accredited by an accrediting agency recognized by the State  
 31 Board of Education.

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1           2. Residency in this state for no less than 1 year  
2 preceding the award of aid or a tuition assistance grant for a  
3 program established pursuant to s. 1009.50, s. 1009.51, s.  
4 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.  
5 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
6 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s.  
7 1009.891. Residency in this state must be for purposes other  
8 than to obtain an education. Resident status for purposes of  
9 receiving state financial aid awards shall be determined in  
10 the same manner as resident status for tuition purposes  
11 pursuant to s. 1009.21 ~~and rules of the State Board of~~  
12 ~~Education~~.

13           3. Submission of certification attesting to the  
14 accuracy, completeness, and correctness of information  
15 provided to demonstrate a student's eligibility to receive  
16 state financial aid awards or tuition assistance grants.  
17 Falsification of such information shall result in the denial  
18 of any pending application and revocation of any award or  
19 grant currently held to the extent that no further payments  
20 shall be made. Additionally, students who knowingly make false  
21 statements in order to receive state financial aid awards or  
22 tuition assistance grants ~~commit~~ ~~shall be guilty of a~~  
23 misdemeanor of the second degree subject to the provisions of  
24 s. 837.06 and shall be required to return all state financial  
25 aid awards or tuition assistance grants wrongfully obtained.

26           (b)1. Eligibility for the renewal of undergraduate  
27 financial aid awards shall be evaluated at the end of the  
28 second semester or third quarter of each academic year. As a  
29 condition for renewal, a student shall:

30           a. Have earned a minimum cumulative grade point  
31 average of 2.0 on a 4.0 scale; and

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1           b. Have earned, for full-time study, 12 credits per  
2 term or the equivalent for the number of terms for which aid  
3 was received.

4           2. A student who earns the minimum number of credits  
5 required for renewal, but who fails to meet the minimum 2.0  
6 cumulative grade point average, may be granted a probationary  
7 award for up to the equivalent of 1 academic year and shall be  
8 required to earn a cumulative grade point average of 2.0 on a  
9 4.0 scale by the end of the probationary period to be eligible  
10 for subsequent renewal. A student who receives a probationary  
11 award and who fails to meet the conditions for renewal by the  
12 end of his or her probationary period shall be ineligible to  
13 receive additional awards for the equivalent of 1 academic  
14 year following his or her probationary period. Each such  
15 student may, however, reapply for assistance during a  
16 subsequent application period and may be eligible for an award  
17 if he or she has earned a cumulative grade point average of  
18 2.0 on a 4.0 scale.

19           3. A student who fails to earn the minimum number of  
20 credits required for renewal shall lose his or her eligibility  
21 for renewal for a period equivalent to 1 academic year.  
22 However, the student may reapply during a subsequent  
23 application period and may be eligible for an award if he or  
24 she has earned a minimum cumulative grade point average of 2.0  
25 on a 4.0 scale.

26           4. Students who receive state student aid and  
27 subsequently fail to meet state academic progress requirements  
28 due to verifiable illness or other emergencies may be granted  
29 an exception from the academic requirements. Such students  
30 shall make a written appeal to the institution. The appeal  
31 shall include a description and verification of the

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1 circumstances. Verification of illness or other emergencies  
2 may include but not be limited to a physician's statement or  
3 written statement of a parent or college official. The  
4 institution shall recommend exceptions with necessary  
5 documentation to the department. The department may accept or  
6 deny such recommendations for exception from the institution.

7 (2) These requirements do not preclude higher  
8 standards specified in other sections of this part, in rules  
9 of the state board, or in rules of a participating  
10 institution.

11 (3) Undergraduate students are eligible to receive  
12 financial aid for a maximum of 8 semesters or 12 quarters.  
13 However, undergraduate students participating in  
14 college-preparatory instruction, students requiring additional  
15 time to complete the college-level communication and  
16 computation skills testing programs, or students enrolled in a  
17 5-year undergraduate degree program are eligible to receive  
18 financial aid for a maximum of 10 semesters or 15 quarters.

19 (4) No student is eligible to receive more than one  
20 state scholarship that is based on academic merit. Students  
21 who qualify for more than one such scholarship shall be  
22 notified of all awards for which they qualify and shall be  
23 provided the opportunity to accept one of their choosing.

24 Section 137. Subsections (9) and (12) of section  
25 1009.90, Florida Statutes, are amended to read:

26 1009.90 Duties of the Department of Education.--The  
27 duties of the department shall include:

28 (9) Development and submission of a report, annually,  
29 to the State Board of Education, the Board of Governors, the  
30 President of the Senate, and the Speaker of the House of  
31 Representatives, which shall include, but not be limited to,

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1 recommendations for the distribution of state financial aid  
2 funds.

3 (12) Calculation of the amount of need-based student  
4 financial aid required to offset fee increases recommended by  
5 the State Board of Education and the Board of Governors and  
6 inclusion of such amount within the legislative budget request  
7 for student assistance grant programs.

8 Section 138. Subsection (4) of section 1009.91,  
9 Florida Statutes, is amended to read:

10 1009.91 Assistance programs and activities of the  
11 department.--

12 (4) The department shall maintain records on the  
13 student loan default rate of each Florida postsecondary  
14 institution and report that information annually to both the  
15 institution and the State Board of Education. Information  
16 relating to state universities shall also be reported annually  
17 to the Board of Governors.

18 Section 139. Subsection (2) of section 1009.971,  
19 Florida Statutes, is amended to read:

20 1009.971 Florida Prepaid College Board.--

21 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The  
22 board shall consist of seven members to be composed of the  
23 Attorney General, the Chief Financial Officer, the Chancellor  
24 of the State University System ~~Deputy Commissioner of Colleges~~  
25 ~~and Universities~~, the Deputy Commissioner of Community  
26 Colleges, and three members appointed by the Governor and  
27 subject to confirmation by the Senate. Each member appointed  
28 by the Governor shall possess knowledge, skill, and experience  
29 in the areas of accounting, actuary, risk management, or  
30 investment management. Each member of the board not appointed  
31 by the Governor may name a designee to serve on the board on

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1 behalf of the member; however, any designee so named shall  
 2 meet the qualifications required of gubernatorial appointees  
 3 to the board. Members appointed by the Governor shall serve  
 4 terms of 3 years. Any person appointed to fill a vacancy on  
 5 the board shall be appointed in a like manner and shall serve  
 6 for only the unexpired term. Any member shall be eligible for  
 7 reappointment and shall serve until a successor qualifies.  
 8 Members of the board shall serve without compensation but  
 9 shall be reimbursed for per diem and travel in accordance with  
 10 s. 112.061. Each member of the board shall file a full and  
 11 public disclosure of his or her financial interests pursuant  
 12 to s. 8, Art. II of the State Constitution and corresponding  
 13 statute.

14 Section 140. Section 1010.01, Florida Statutes, is  
 15 amended to read:

16 1010.01 Uniform records and accounts.--

17 (1)(a) The financial records and accounts of each  
 18 school district, community college, ~~university~~, and other  
 19 institution or agency under the supervision of the State Board  
 20 of Education shall be prepared and maintained as prescribed by  
 21 law and rules of the State Board of Education.

22 (b) The financial records and accounts of each state  
 23 university under the supervision of the Board of Governors  
 24 shall be prepared and maintained as prescribed by law and  
 25 rules of the Board of Governors.

26 (2) Rules of the State Board of Education and rules of  
 27 the Board of Governors shall incorporate the requirements of  
 28 law and accounting principles generally accepted in the United  
 29 States ~~the appropriate requirements of the Governmental~~  
 30 ~~Accounting Standards Board (GASB) for State and Local~~  
 31 ~~Government.~~ Such rules shall include a uniform classification

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of accounts.

(3) Each state university shall annually file with the Board of Governors financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the Board of Governors. The Board of Governors' rules shall prescribe the filing deadline for the financial statements.

(4)(3) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, community colleges, and state universities, and shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

Section 141. Section 1010.011, Florida Statutes, is amended to read:

1010.011 Definition.--For purposes of this chapter and chapter 1011, the ~~following~~ terms: "university," "universities," and "university board of trustees" include all state universities ~~New College~~ under the supervision of the Board of Governors ~~State Board of Education~~.

Section 142. Section 1010.02, Florida Statutes, is amended to read:

1010.02 Financial accounting and expenditures.--

(1) All funds accruing to a school district ~~or~~ a community college, ~~or a university~~ must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

(2) All funds accruing to a state university must be received, accounted for, and expended in accordance with law and rules of the Board of Governors.

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Section 143. Subsections (1) and (4) of section 1010.04, Florida Statutes, are amended to read:

1010.04 Purchasing.--

(1)(a) Purchases and leases by school districts and, community colleges, ~~and universities~~ shall comply with the requirements of law and rules of the State Board of Education.

(b) Purchases and leases by state universities shall comply with the requirements of law and rules of the Board of Governors.

(4)(a) The State Board of Education may, by rule, provide for alternative procedures for school districts and community colleges for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

(b) The Board of Governors may, by rule, provide for alternative procedures for state universities for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

Section 144. Subsection (2) of section 1010.07, Florida Statutes, is amended to read:

1010.07 Bonds or insurance required.--

(2)(a) Contractors paid from school district or, community college, ~~or university~~ funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education relating to the type of contract involved. It shall be the duty of the district school board or, community college board of trustees, ~~and university board of trustees~~ to require from construction contractors a bond adequate to protect the board and the board's funds involved.

(b) Contractors paid from university funds shall give



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1 bond for the faithful performance of their contracts in such  
2 amount and for such purposes as prescribed by s. 255.05 or by  
3 rules of the Board of Governors relating to the type of  
4 contract involved. It shall be the duty of the university  
5 board of trustees to require from construction contractors a  
6 bond adequate to protect the board and the board's funds  
7 involved.

8       Section 145. Section 1010.09, Florida Statutes, is  
9 amended to read:

10       1010.09 Direct-support organizations.--

11       (1) School district and, community college, and  
12 ~~university~~ direct-support organizations shall be organized and  
13 conducted under the provisions of ss. 1001.453, ~~1004.28~~, and  
14 1004.70 and rules of the State Board of Education, as  
15 applicable.

16       (2) State university direct-support organizations  
17 shall be organized and conducted under the provisions of s.  
18 1004.28 and rules of the Board of Governors, as applicable.

19       Section 146. Section 1010.30, Florida Statutes, is  
20 amended to read:

21       1010.30 Auditsrequired.--School districts, community  
22 colleges, ~~universities~~, and other institutions and agencies  
23 under the supervision of the State Board of Education and  
24 state universities under the supervision of the Board of  
25 Governors are subject to the audit provisions under ss. 11.45  
26 and 218.39.

27       Section 147. Section 1010.86, Florida Statutes, is  
28 amended to read:

29       1010.86 Administration of capital improvement and  
30 building fees trust funds.--The Board of Governors ~~State Board~~  
31 ~~of Education~~ shall administer the Capital Improvement Fee

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1 Trust Fund and the Building Fee Trust Fund which include  
2 receipts from capital improvement and building student fee  
3 assessments, interest earnings, and subsidy grants. All funds,  
4 except those to be used for debt service payments, reserve  
5 requirements, and educational research centers for child  
6 development, pursuant to s. 1011.48, shall be used to fund  
7 projects appropriated by the Legislature. Projects funded  
8 pursuant to this section may be expanded by the use of  
9 supplemental funds such as grants, auxiliary enterprises,  
10 private donations, and other nonstate sources.

11 Section 148. Section 1011.01, Florida Statutes, is  
12 amended to read:

13 1011.01 Budget system established.--

14 (1) The State Board of Education shall prepare and  
15 submit a coordinated K-20 education annual legislative budget  
16 request to the Governor and the Legislature on or before the  
17 date provided by the Governor and the Legislature. The board's  
18 legislative budget request must clearly define the needs of  
19 school districts, community colleges, universities, other  
20 institutions, organizations, programs, and activities under  
21 the supervision of the board and that are assigned by law or  
22 the General Appropriations Act to the Department of Education.

23 (2)(a) There shall be established in each school  
24 district and, community college, ~~and university~~ a budget  
25 system as prescribed by law and rules of the State Board of  
26 Education.

27 (b) There shall be established in each state  
28 university a budget system as prescribed by law and rules of  
29 the Board of Governors.

30 (3)(a) Each district school board and, each community  
31 college board of trustees, ~~and each state university board of~~

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~~trustees~~ shall prepare, adopt, and submit to the Commissioner of Education for review an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

(b) Each state university board of trustees shall prepare, adopt, and submit to the Chancellor of the State University System for review an annual operating budget in accordance with provisions of law, rules of the Board of Governors, and the General Appropriations Act.

(4) The State Board of Education shall coordinate with the Board of Governors to facilitate the budget system requirements of this section. The Board of Governors exclusively retains the review and approval powers of this section for state universities.

Section 149. Section 1011.011, Florida Statutes, is amended to read:

1011.011 Legislative capital outlay budget request.--The State Board of Education shall submit an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and, in conjunction with the Board of Governors, universities pursuant to this section and s. 1013.46 and applicable provisions of chapter 216.

Section 150. Section 1011.40, Florida Statutes, is amended to read:

1011.40 Budgets for universities.--

(1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors ~~State Board of Education~~ shall provide instructions, guidelines, and standard formats to be used by each university

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1 that will provide to the Board of Governors ~~State Board of~~  
2 ~~Education~~ and the Legislature adequate information to support  
3 and justify the legislative budget requests submitted pursuant  
4 to ss. 216.023, 1011.90, and 1013.60 for each university.

5 (2) OPERATING BUDGET.--Each university board of  
6 trustees shall adopt an operating budget for the operation of  
7 the university as prescribed by law and rules of the Board of  
8 Governors ~~State Board of Education~~. Each university president  
9 shall prepare and implement the operating budget of the  
10 university as prescribed by law, rules of the Board of  
11 Governors ~~State Board of Education~~, policies of the university  
12 board of trustees, and provisions of the General  
13 Appropriations Act. The proposed expenditures, plus transfers,  
14 and balances shall not exceed the estimated income, transfers,  
15 and balances. The budget and each part thereof shall balance.  
16 If at any time the unencumbered balance in the education and  
17 general fund of the university board of trustees approved  
18 operating budget goes below 5 percent, the president shall  
19 provide written notification to the Board of Governors ~~State~~  
20 ~~Board of Education~~.

21 (3) EXPENDITURES.--Expenditures from any source of  
22 funds by any university shall not exceed the funds available.  
23 Expenditures shall not exceed the amount budgeted under each  
24 classification of accounts for each fund and the total amount  
25 of the budget, as amended as prescribed by rules of the Board  
26 of Governors ~~State Board of Education~~. No expenditure of  
27 funds, contract, or agreement of any nature shall be made that  
28 requires additional appropriation of funds by the Legislature  
29 unless specifically authorized in advance by law or the  
30 General Appropriations Act.

31 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated

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1 in the General Appropriations Act for the operation of state  
2 universities shall be distributed ~~by the State Board of~~  
3 ~~Education~~ to the universities twice monthly. The Executive  
4 Office of the Governor may modify this schedule if required to  
5 meet specific needs of a university.

6 Section 151. Section 1011.41, Florida Statutes, is  
7 amended to read:

8 1011.41 University appropriations.--Funds for the  
9 general operations of universities shall be requested and  
10 appropriated as Aid to Local Governments Grants and Aids,  
11 subject to provisions of the General Appropriations Act. Funds  
12 provided to state universities in the General Appropriations  
13 Act are contingent upon each university complying with the  
14 tuition and fee policies established in the proviso language  
15 and with the tuition and fee policies for state universities  
16 included in part II of chapter 1009. However, the funds  
17 appropriated to a specific university shall not be affected by  
18 the failure of another university to comply with this  
19 provision.

20 Section 152. Section 1011.4106, Florida Statutes, is  
21 amended to read:

22 1011.4106 Trust fund dissolution and local account  
23 appropriations.--

24 (1) Notwithstanding the provisions of ss. 215.3206(2)  
25 and 215.3208(2), and pursuant to s. 216.351, all unexpended  
26 balances as of June 30, 2002, in the following State  
27 University System trust funds are hereby appropriated to the  
28 appropriate accounts of each university based upon the  
29 original source of the trust fund revenue and any accrued  
30 interest: the Education/General Student and Other Fees Trust  
31 Fund, the Experiment Station Federal Grant Trust Fund, the

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1 Experiment Station Incidental Trust Fund, the Extension  
 2 Service Federal Grant Trust Fund, the Extension Service  
 3 Incidental Trust Fund, the Incidental Trust Fund, the UF  
 4 Health Center Operations and Maintenance Trust Fund, the  
 5 Operations and Maintenance Trust Fund, and all other trust  
 6 funds in the State Treasury for universities. Expenditure of  
 7 these funds by each university must be based on the laws,  
 8 rules, grant agreements, or other legal controlling factors  
 9 associated with all trust fund balances which are appropriated  
 10 to local accounts pursuant to this section, and included in  
 11 each university board of trustees' approved operating budget.  
 12 Each university shall be responsible for the payment of  
 13 outstanding debts or obligations associated with these funds.

14 (2) Any appropriations provided in the General  
 15 Appropriations Act from the Education/General Student and  
 16 Other Fees Trust Fund are the only budget authority for the  
 17 fiscal year to the named universities to expend tuition and  
 18 fees that are collected during the fiscal year and carried  
 19 forward from the prior fiscal year. The expenditure of tuition  
 20 and fee revenues from local accounts by each university shall  
 21 not exceed the authority provided in the General  
 22 Appropriations Act unless approved pursuant to the provisions  
 23 of chapter 216. If a court of competent jurisdiction finds  
 24 that the restriction in this subsection is invalid, the moneys  
 25 described in this section shall be deposited in the State  
 26 Treasury.

27 Section 153. Section 1011.411, Florida Statutes, is  
 28 amended to read:

29 1011.411 Budgets for sponsored research at  
 30 universities.--Funds for sponsored research at each university  
 31 shall be budgeted and expended pursuant to ss. 1004.22 ~~1010.30~~

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1 and 1011.42.

2           Section 154. Subsections (3), (4), and (5) of section  
3 1011.48, Florida Statutes, are amended to read:

4           1011.48 Establishment of educational research centers  
5 for child development.--

6           (3) Each center is authorized to charge fees for the  
7 care and services it provides. Such fees must be approved by  
8 the Board of Governors ~~State Board of Education~~ and may be  
9 imposed on a sliding scale based on ability to pay or any  
10 other factors deemed relevant by the board.

11           (4) The Board of Governors may adopt ~~State Board of~~  
12 ~~Education is authorized and directed to promulgate~~ rules for  
13 the establishment, operation, and supervision of educational  
14 research centers for child development. Such rules shall  
15 include, but need not be limited to: a defined method of  
16 establishment of and participation in the operation of centers  
17 by the appropriate student government associations; guidelines  
18 for the establishment of an intern program in each center; and  
19 guidelines for the receipt and monitoring of funds from grants  
20 and other sources of funds consistent with existing laws.

21           (5) Each educational research center for child  
22 development shall be funded by a portion of the Capital  
23 Improvement Trust Fund fee established by the Board of  
24 Governors ~~State Board of Education~~ pursuant to s. 1009.24(7).  
25 Each university that establishes a center shall receive a  
26 portion of such fees collected from the students enrolled at  
27 that university, usable only at that university, equal to 22.5  
28 cents per student per credit hour taken per term, based on the  
29 summer term and fall and spring semesters. This allocation  
30 shall be used by the university only for the establishment and  
31 operation of a center as provided by this section and rules

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1 ~~adopted~~ ~~promulgated~~ hereunder. Said allocation may be made  
2 only after all bond obligations required to be paid from such  
3 fees have been met.

4 Section 155. Subsection (1) of section 1011.82,  
5 Florida Statutes, is amended to read:

6 1011.82 Requirements for participation in Community  
7 College Program Fund.--Each community college district which  
8 participates in the state appropriations for the Community  
9 College Program Fund shall provide evidence of its effort to  
10 maintain an adequate community college program which shall:

11 (1) Meet the minimum standards prescribed by the State  
12 Board of Education in accordance with s.1001.02(6) ~~s.~~  
13 ~~1001.02(9)~~.

14 Section 156. Subsection (4) of section 1011.90,  
15 Florida Statutes, is amended to read:

16 1011.90 State university funding.--

17 (4) The Board of Governors ~~State Board of Education~~  
18 shall establish and validate a cost-estimating system  
19 consistent with the requirements of subsection (1) and shall  
20 report as part of its legislative budget request the actual  
21 expenditures for the fiscal year ending the previous June 30.  
22 Expenditure analysis, operating budgets, and annual financial  
23 statements of each university must be prepared using the  
24 standard financial reporting procedures and formats prescribed  
25 by the Board of Governors ~~State Board of Education~~. These  
26 formats shall be the same as used for the 2000-2001 fiscal  
27 year reports. Any revisions to these financial and reporting  
28 procedures and formats must be approved by the Executive  
29 Office of the Governor and the appropriations committees of  
30 the Legislature jointly under the provisions of s. 216.023(3).  
31 The Board of Governors ~~State Board of Education~~ shall continue



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1 to collect and maintain at a minimum the management  
2 information databases existing on June 30, 2002. The  
3 expenditure analysis report shall include total expenditures  
4 from all sources for the general operation of the university  
5 and shall be in such detail as needed to support the  
6 legislative budget request.

7 Section 157. Subsections (1) and (2) of section  
8 1011.91, Florida Statutes, are amended to read:

9 1011.91 Additional appropriation.--

10 (1) Except as otherwise provided in the General  
11 Appropriations Act, all moneys received by universities, other  
12 than from state and federal sources, from student ~~building and~~  
13 ~~capital improvement~~ fees authorized in s. 1009.24, and from  
14 vending machine collections, are hereby appropriated to the  
15 use of the respective universities collecting same, to be  
16 expended as the university board of trustees may direct;  
17 however, the funds shall not be expended except in pursuance  
18 of detailed budgets filed with the Board of Governors ~~State~~  
19 ~~Board of Education~~ and shall not be expended for the  
20 construction or reconstruction of buildings except as provided  
21 under s. 1013.74.

22 (2) All moneys received from vending machine  
23 collections by a state university ~~universities~~ shall be  
24 expended only as set forth in detailed budgets approved by the  
25 university's board of trustees ~~State Board of Education~~.

26 Section 158. Section 1012.01, Florida Statutes, is  
27 amended to read:

28 1012.01 Definitions.--As used in this chapter, the  
29 following terms have the following meanings ~~Specific~~  
30 ~~definitions shall be as follows, and wherever such defined~~  
31 ~~words or terms are used in the Florida K-20 Education Code,~~

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1 ~~they shall be used as follows:~~

2           (1) SCHOOL OFFICERS.--The officers of the state system  
3 of public K-12 and community college education shall be the  
4 Commissioner of Education and the members of the State Board  
5 of Education; ~~and~~, for each district school system, the  
6 officers shall be the district school superintendent and  
7 members of the district school board; and for each community  
8 college, the officers shall be the community college president  
9 and members of the community college board of trustees.

10           (2) INSTRUCTIONAL PERSONNEL.--"Instructional  
11 personnel" means any K-12 staff member whose function includes  
12 the provision of direct instructional services to students.  
13 Instructional personnel also includes K-12 personnel whose  
14 functions provide direct support in the learning process of  
15 students. Included in the classification of instructional  
16 personnel are the following K-12 personnel:

17           (a) Classroom teachers.--Classroom teachers are staff  
18 members assigned the professional activity of instructing  
19 students in courses in classroom situations, including basic  
20 instruction, exceptional student education, career education,  
21 and adult education, including substitute teachers.

22           (b) Student personnel services.--Student personnel  
23 services include staff members responsible for: advising  
24 students with regard to their abilities and aptitudes,  
25 educational and occupational opportunities, and personal and  
26 social adjustments; providing placement services; performing  
27 educational evaluations; and similar functions. Included in  
28 this classification are guidance counselors, social workers,  
29 career specialists, and school psychologists.

30           (c) Librarians/media specialists.--Librarians/media  
31 specialists are staff members responsible for providing school

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1 library media services. These employees are responsible for  
2 evaluating, selecting, organizing, and managing media and  
3 technology resources, equipment, and related systems;  
4 facilitating access to information resources beyond the  
5 school; working with teachers to make resources available in  
6 the instructional programs; assisting teachers and students in  
7 media productions; and instructing students in the location  
8 and use of information resources.

9 (d) Other instructional staff.--Other instructional  
10 staff are staff members who are part of the instructional  
11 staff but are not classified in one of the categories  
12 specified in paragraphs (a)-(c). Included in this  
13 classification are primary specialists, learning resource  
14 specialists, instructional trainers, adjunct educators  
15 certified pursuant to s. 1012.57, and similar positions.

16 (e) Education paraprofessionals.--Education  
17 paraprofessionals are individuals who are under the direct  
18 supervision of an instructional staff member, aiding the  
19 instructional process. Included in this classification are  
20 classroom paraprofessionals in regular instruction,  
21 exceptional education paraprofessionals, career education  
22 paraprofessionals, adult education paraprofessionals, library  
23 paraprofessionals, physical education and playground  
24 paraprofessionals, and other school-level paraprofessionals.

25 (3) ADMINISTRATIVE PERSONNEL.--"Administrative  
26 personnel" includes K-12 personnel who perform management  
27 activities such as developing broad policies for the school  
28 district and executing those policies through the direction of  
29 personnel at all levels within the district. Administrative  
30 personnel are generally high-level, responsible personnel who  
31 have been assigned the responsibilities of systemwide or

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1 schoolwide functions, such as district school superintendents,  
2 assistant superintendents, deputy superintendents, school  
3 principals, assistant principals, career center directors, and  
4 others who perform management activities. Broad  
5 classifications of K-12 administrative personnel are as  
6 follows:

7       (a) District-based instructional  
8 administrators.--Included in this classification are persons  
9 with district-level administrative or policymaking duties who  
10 have broad authority for management policies and general  
11 school district operations related to the instructional  
12 program. Such personnel often report directly to the district  
13 school superintendent and supervise other administrative  
14 employees. This classification includes assistant, associate,  
15 or deputy superintendents and directors of major instructional  
16 areas, such as curriculum, federal programs such as Title I,  
17 specialized instructional program areas such as exceptional  
18 student education, career education, and similar areas.

19       (b) District-based noninstructional  
20 administrators.--Included in this classification are persons  
21 with district-level administrative or policymaking duties who  
22 have broad authority for management policies and general  
23 school district operations related to the noninstructional  
24 program. Such personnel often report directly to the district  
25 school superintendent and supervise other administrative  
26 employees. This classification includes assistant, associate,  
27 or deputy superintendents and directors of major  
28 noninstructional areas, such as personnel, construction,  
29 facilities, transportation, data processing, and finance.

30       (c) School administrators.--Included in this  
31 classification are:

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1           1. School principals or school directors who are staff  
2 members performing the assigned activities as the  
3 administrative head of a school and to whom have been  
4 delegated responsibility for the coordination and  
5 administrative direction of the instructional and  
6 noninstructional activities of the school. This classification  
7 also includes career center directors.

8           2. Assistant principals who are staff members  
9 assisting the administrative head of the school. This  
10 classification also includes assistant principals for  
11 curriculum and administration.

12           (4) YEAR OF SERVICE.--The minimum time which may be  
13 recognized in administering K-12 ~~the state program of~~  
14 education, not including retirement, as a year of service by a  
15 school employee shall be full-time actual service; and,  
16 beginning July 1963, such service shall also include sick  
17 leave and holidays for which compensation was received but  
18 shall exclude all other types of leave and holidays for a  
19 total of more than one-half of the number of days required for  
20 the normal contractual period of service for the position  
21 held, which shall be 196 days or longer, or the minimum  
22 required for the district to participate in the Florida  
23 Education Finance Program in the year service was rendered, or  
24 the equivalent for service performed on a daily or hourly  
25 basis; provided, further, that absence from duty after the  
26 date of beginning service shall be covered by leave duly  
27 authorized and granted; further, the school board shall have  
28 authority to establish a different minimum for local district  
29 school purposes.

30           (5) SCHOOL VOLUNTEER.--A K-12 school volunteer is any  
31 nonpaid person who may be appointed by a district school board

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1 or its designee. School volunteers may include, but may not be  
2 limited to, parents, senior citizens, students, and others who  
3 assist the teacher or other members of the school staff.

4 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational  
5 support employees" means K-12 employees whose job functions  
6 are neither administrative nor instructional, yet whose work  
7 supports the educational process.

8 (a) Other professional staff or  
9 nonadministrative/noninstructional employees are staff members  
10 who perform professional job functions which are  
11 nonadministrative/noninstructional in nature and who are not  
12 otherwise classified in this section. Included in this  
13 classification are employees such as doctors, nurses,  
14 attorneys, certified public accountants, and others  
15 appropriate to the classification.

16 (b) Technicians are individuals whose occupations  
17 require a combination of knowledge and manual skill which can  
18 be obtained through about 2 years of post-high school  
19 education, such as is offered in many career centers and  
20 community colleges, or through equivalent on-the-job training.

21 (c) Clerical/secretarial workers are individuals whose  
22 job requires skills and training in clerical-type work,  
23 including activities such as preparing, transcribing,  
24 systematizing, or preserving written communications and  
25 reports or operating equipment performing those functions.  
26 Included in this classification are secretaries, bookkeepers,  
27 messengers, and office machine operators.

28 (d) Skilled crafts workers are individuals who perform  
29 jobs which require special manual skill and a thorough and  
30 comprehensive knowledge of the processes involved in the work  
31 which is acquired through on-the-job training and experience

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1 or through apprenticeship or other formal training programs.

2 Lead workers for the various skilled crafts areas shall be  
3 included in this classification.

4 (e) Service workers are staff members performing a  
5 service for which there are no formal qualifications,  
6 including those responsible for: cleaning the buildings,  
7 school plants, or supporting facilities; maintenance and  
8 operation of such equipment as heating and ventilation  
9 systems; preserving the security of school property; and  
10 keeping the school plant safe for occupancy and use. Lead  
11 workers in the various service areas shall be included in this  
12 broad classification.

13 (7) MANAGERS.--"Managers" includes those K-12 staff  
14 members who perform managerial and supervisory functions while  
15 usually also performing general operations functions. Managers  
16 may be either instructional or noninstructional in their  
17 responsibility. They may direct employees' work, plan the work  
18 schedule, control the flow and distribution of work or  
19 materials, train employees, handle complaints, authorize  
20 payments, and appraise productivity and efficiency of  
21 employees. This classification includes coordinators and  
22 supervisors working under the general direction of those staff  
23 identified as district-based instructional or noninstructional  
24 administrators.

25 Section 159. Subsection (1) of section 1012.80,  
26 Florida Statutes, is amended to read:

27 1012.80 Participation by employees in disruptive  
28 activities at public postsecondary educational institutions;  
29 penalties.--

30 (1)(a) Any person who accepts the privilege extended  
31 by the laws of this state of employment at any community

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1 ~~college~~ ~~public postsecondary educational institution~~ shall, by  
2 ~~so~~ working at such institution, be deemed to have given his or  
3 her consent to the policies of that institution, the policies  
4 of the State Board of Education, and the laws of this state.

5 Such policies shall include prohibition against disruptive  
6 activities at community colleges ~~public postsecondary~~  
7 ~~educational institutions~~.

8 (b) Any person who accepts the privilege extended by  
9 the laws of this state of employment at any state university  
10 shall, by working at such institution, be deemed to have given  
11 his or her consent to the policies of that institution, the  
12 policies of the Board of Governors, and the laws of this  
13 state. Such policies shall include prohibition against  
14 disruptive activities at state universities.

15 Section 160. Section 1012.801, Florida Statutes, is  
16 amended to read:

17 1012.801 Employees of the Board of Governors ~~Division~~  
18 ~~of Colleges and Universities~~.--Employees of the Board of  
19 Governors ~~Division of Colleges and Universities of the~~  
20 ~~Department of Education~~ who were ~~are~~ participating in the  
21 State University Optional Retirement Program prior to June 30,  
22 2002, shall be eligible to continue such participation as long  
23 as they remain employees of the Board of Governors ~~Department~~  
24 ~~of Education~~ or a state university without a break in  
25 continuous service.

26 Section 161. Section 1012.93, Florida Statutes, is  
27 amended to read:

28 1012.93 Faculty members; test of spoken English.---~~The~~  
29 ~~State Board of Education shall adopt rules requiring that All~~  
30 ~~faculty members in each state university and New College,~~  
31 other than those persons who teach courses that are conducted



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1 primarily in a foreign language, shall be proficient in the  
2 oral use of English, as determined by a satisfactory grade on  
3 the "Test of Spoken English" of the Educational Testing  
4 Service or a similar test approved by the Board of Governors  
5 ~~state board~~.

6 Section 162. Paragraph (c) of subsection (4) of  
7 section 1012.98, Florida Statutes, is amended to read:

8 1012.98 School Community Professional Development  
9 Act.--

10 (4) The Department of Education, school districts,  
11 schools, community colleges, and state universities share the  
12 responsibilities described in this section. These  
13 responsibilities include the following:

14 ~~(c) The Department of Education shall approve a public~~  
15 ~~state university having an approved physical education teacher~~  
16 ~~preparation program within its college of education to develop~~  
17 ~~and implement an Internet-based clearinghouse for physical~~  
18 ~~education professional development programs that may be~~  
19 ~~accessed and used by all instructional personnel. The~~  
20 ~~development of these programs shall be financed primarily by~~  
21 ~~private funds and shall be available for use no later than~~  
22 ~~August 1, 2005.~~

23 Section 163. Subsection (3) of section 1013.01,  
24 Florida Statutes, is amended to read:

25 1013.01 Definitions.--The following terms shall be  
26 defined as follows for the purpose of this chapter:

27 (3) "Board," unless otherwise specified, means a  
28 district school board, a community college board of trustees,  
29 a university board of trustees, and the Board of Trustees for  
30 the Florida School for the Deaf and the Blind. The term  
31 "board" does not include the State Board of Education or the

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1 Board of Governors.

2           Section 164. Subsection (2) of section 1013.02,  
3 Florida Statutes, is amended to read:

4           1013.02 Purpose; rules.--

5           (2)(a) The State Board of Education shall adopt rules  
6 pursuant to ss. 120.536(1) and 120.54 to implement the  
7 provisions of this chapter for school districts and community  
8 colleges.

9           (b) The Board of Governors shall adopt rules pursuant  
10 to ss. 120.536(1) and 120.54 to implement the provisions of  
11 this chapter for state universities.

12           Section 165. Section 1013.03, Florida Statutes, is  
13 amended to read:

14           1013.03 Functions of the department and the Board of  
15 Governors.--The functions of the Department of Education as it  
16 pertains to educational facilities of school districts and  
17 community colleges and of the Board of Governors as it  
18 pertains to educational facilities of state universities shall  
19 include, but not be limited to, the following:

20           (1) Establish recommended minimum and maximum square  
21 footage standards for different functions and areas and  
22 procedures for determining the gross square footage for each  
23 educational facility to be funded in whole or in part by the  
24 state, including public broadcasting stations but excluding  
25 postsecondary special purpose laboratory space. The gross  
26 square footage determination standards may be exceeded when  
27 the core facility space of an educational facility is  
28 constructed or renovated to accommodate the future addition of  
29 classrooms to meet projected increases in student enrollment.  
30 The department and the Board of Governors shall encourage  
31 multiple use of facilities and spaces in educational plants.

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1           (2) Establish, for the purpose of determining need,  
2 equitably uniform utilization standards for all types of like  
3 space, regardless of the level of education. These standards  
4 shall also establish, for postsecondary education classrooms,  
5 a minimum room utilization rate of 40 hours per week and a  
6 minimum station utilization rate of 60 percent. These rates  
7 shall be subject to increase based on national norms for  
8 utilization of postsecondary education classrooms.

9           (3) Require boards to submit other educational plant  
10 inventories data and statistical data or information relevant  
11 to construction, capital improvements, and related costs.

12           (4) Require each board and other appropriate agencies  
13 to submit complete and accurate financial data as to the  
14 amounts of funds from all sources that are available and spent  
15 for construction and capital improvements. The commissioner  
16 shall prescribe the format and the date for the submission of  
17 this data and any other educational facilities data. If any  
18 district does not submit the required educational facilities  
19 fiscal data by the prescribed date, the Commissioner of  
20 Education shall notify the district school board of this fact  
21 and, if appropriate action is not taken to immediately submit  
22 the required report, the district school board shall be  
23 directed to proceed pursuant to the provisions of s.  
24 1001.42(11)(b). If any community college or university does  
25 not submit the required educational facilities fiscal data by  
26 the prescribed date, the same policy prescribed in this  
27 subsection for school districts shall be implemented.

28           (5) Administer, under the supervision of the  
29 Commissioner of Education, the Public Education Capital Outlay  
30 and Debt Service Trust Fund and the School District and  
31 Community College District Capital Outlay and Debt Service

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1 Trust Fund.

2 (6) Develop, review, update, revise, and recommend a  
3 mandatory portion of the Florida Building Code for educational  
4 facilities construction and capital improvement by community  
5 college boards and district school boards.

6 (7) Provide training, technical assistance, and  
7 building code interpretation for requirements of the mandatory  
8 Florida Building Code for the educational facilities  
9 construction and capital improvement programs of the community  
10 college boards and district school boards and, upon request,  
11 approve phase III construction documents for remodeling,  
12 renovation, or new construction of educational plants or  
13 ancillary facilities, except that university boards of  
14 trustees shall approve specifications and construction  
15 documents for their respective institutions pursuant to  
16 guidelines of the Board of Governors. The Department of  
17 Management Services may, upon request, provide similar  
18 services for the Florida School for the Deaf and the Blind and  
19 shall use the Florida Building Code and the Florida Fire  
20 Prevention Code.

21 (8) Provide minimum criteria, procedures, and training  
22 to boards to conduct educational plant surveys and document  
23 the determination of future needs.

24 (9) Make available to boards technical assistance,  
25 awareness training, and research and technical publications  
26 relating to lifesafety, casualty, sanitation, environmental,  
27 maintenance, and custodial issues; and, as needed, technical  
28 assistance for survey, planning, design, construction,  
29 operation, and evaluation of educational and ancillary  
30 facilities and plants, facilities administrative procedures  
31 review, and training for new administrators.

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1           (10)(a) Review and validate surveys proposed or  
2 amended by the boards and recommend to the Commissioner of  
3 Education, for approval, surveys that meet the requirements of  
4 this chapter.

5           1. The term "validate" as applied to surveys by school  
6 districts means to review inventory data as submitted to the  
7 department by district school boards; provide for review and  
8 inspection, where required, of student stations and aggregate  
9 square feet of inventory changed from satisfactory to  
10 unsatisfactory or changed from unsatisfactory to satisfactory;  
11 compare new school inventory to allocation limits provided by  
12 this chapter; review cost projections for conformity with cost  
13 limits set by s. 1013.64(6); compare total capital outlay  
14 full-time equivalent enrollment projections in the survey with  
15 the department's projections; review facilities lists to  
16 verify that student station and auxiliary facility space  
17 allocations do not exceed the limits provided by this chapter  
18 and related rules; review and confirm the application of  
19 uniform facility utilization factors, where provided by this  
20 chapter or related rules; utilize the documentation of  
21 programs offered per site, as submitted by the board, to  
22 analyze facility needs; confirm that need projections for  
23 career and adult educational programs comply with needs  
24 documented by the Department of Education ~~Office of Workforce~~  
25 ~~and Economic Development~~; and confirm the assignment of  
26 full-time student stations to all space except auxiliary  
27 facilities, which, for purposes of exemption from student  
28 station assignment, include the following:

- 29           a. Cafeterias.
- 30           b. Multipurpose dining areas.
- 31           c. Media centers.

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1           d. Auditoriums.

2           e. Administration.

3           f. Elementary, middle, and high school resource rooms,  
4 up to the number of such rooms recommended for the applicable  
5 occupant and space design capacity of the educational plant in  
6 the State Requirements for Educational Facilities, beyond  
7 which student stations must be assigned.

8           g. Elementary school skills labs, up to the number of  
9 such rooms recommended for the applicable occupant and space  
10 design capacity of the educational plant in the State  
11 Requirements for Educational Facilities, beyond which student  
12 stations must be assigned.

13           h. Elementary school art and music rooms.

14           2. The term "validate" as applied to surveys by  
15 community colleges and universities means to review and  
16 document the approval of each new site and official  
17 designation, where applicable; review the inventory database  
18 as submitted by each board to the department, including  
19 noncareer, and total capital outlay full-time equivalent  
20 enrollment projections per site and per college; provide for  
21 the review and inspection, where required, of student stations  
22 and aggregate square feet of space changed from satisfactory  
23 to unsatisfactory; utilize and review the documentation of  
24 programs offered per site submitted by the boards as accurate  
25 for analysis of space requirements and needs; confirm that  
26 needs projected for career and adult educational programs  
27 comply with needs documented by the Department of Education  
28 ~~Office of Workforce and Economic Development~~; compare new  
29 facility inventory to allocations limits as provided in this  
30 chapter; review cost projections for conformity with state  
31 averages or limits designated by this chapter; compare student

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1 enrollment projections in the survey to the department's  
2 projections; review facilities lists to verify that area  
3 allocations and space factors for generating space needs do  
4 not exceed the limits as provided by this chapter and related  
5 rules; confirm the application of facility utilization factors  
6 as provided by this chapter and related rules; and review, as  
7 submitted, documentation of how survey recommendations will  
8 implement the detail of current campus master plans and  
9 integrate with local comprehensive plans and development  
10 regulations.

11 (b) Recommend priority of projects to be funded for  
12 ~~approval by the state board, when required by law.~~

13 (11) Prepare the commissioner's comprehensive fixed  
14 capital outlay legislative budget request and provide annually  
15 an estimate of the funds available for developing required  
16 3-year priority lists. This amount shall be based upon the  
17 average percentage for the 5 prior years of funds appropriated  
18 by the Legislature for fixed capital outlay to each level of  
19 public education: public schools, community colleges, and  
20 universities.

21 (12) Perform any other functions that may be involved  
22 in educational facilities construction and capital improvement  
23 which shall ensure that the intent of the Legislature is  
24 implemented.

25 ~~(13) By October 1, 2003, review all rules related to~~  
26 ~~school construction to identify requirements that are~~  
27 ~~outdated, obsolete, unnecessary, or otherwise could be amended~~  
28 ~~in order to provide additional flexibility to school districts~~  
29 ~~to comply with the constitutional class size maximums~~  
30 ~~described in s. 1003.03(1) and make recommendations concerning~~  
31 ~~such rules to the State Board of Education. The State Board of~~

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~~Education shall act on such recommendations by December 31,~~  
~~2003.~~

Section 166. Section 1013.11, Florida Statutes, is  
 amended to read:

1013.11 Postsecondary institutions assessment of  
 physical plant safety.--The president of each postsecondary  
 institution shall conduct or cause to be conducted an annual  
 assessment of physical plant safety. An annual report shall  
 incorporate the findings obtained through such assessment and  
 recommendations for the improvement of safety on each campus.  
 The annual report shall be submitted to the respective  
 governing or licensing board of jurisdiction no later than  
 January 1 of each year. Each board shall compile the  
 individual institutional reports and convey the aggregate  
 institutional reports to the Commissioner of Education or the  
Chancellor of the State University System, as appropriate. The  
 Commissioner of Education and the Chancellor of the State  
University System shall convey these reports and the reports  
 required in s. 1008.48 to the President of the Senate and the  
 Speaker of the House of Representatives no later than March 1  
 of each year.

Section 167. Section 1013.12, Florida Statutes, is  
 amended to read:

1013.12 Casualty, safety, sanitation, and firesafety  
 standards and inspection of property.--

(1) FIRESAFETY.--The State Board of Education shall  
 adopt and administer rules prescribing standards for the  
 safety and health of occupants of educational and ancillary  
 plants as a part of State Requirements for Educational  
 Facilities or the Florida Building Code for educational  
 facilities construction as provided in s. 1013.37, except that



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1 the State Fire Marshal in consultation with the Department of  
2 Education shall adopt uniform firesafety standards for  
3 educational and ancillary plants and educational facilities,  
4 as provided in s. 633.022(1)(b), and a firesafety evaluation  
5 system to be used as an alternate firesafety inspection  
6 standard for existing educational and ancillary plants and  
7 educational facilities. The uniform firesafety standards and  
8 the alternate firesafety evaluation system shall be  
9 administered and enforced by local fire officials. These  
10 standards must be used by all public agencies when inspecting  
11 public educational and ancillary plants, and the firesafety  
12 standards must be used by local fire officials when performing  
13 firesafety inspections of public educational and ancillary  
14 plants and educational facilities. In accordance with such  
15 standards, each board shall prescribe policies and procedures  
16 establishing a comprehensive program of safety and sanitation  
17 for the protection of occupants of public educational and  
18 ancillary plants. Such policies must contain procedures for  
19 periodic inspections as prescribed in this section ~~herein~~ and  
20 for withdrawal of any educational and ancillary plant, or  
21 portion thereof, from use until unsafe or unsanitary  
22 conditions are corrected or removed.

23 (2)~~(1)~~ PERIODIC INSPECTION OF PROPERTY BY DISTRICT  
24 SCHOOL BOARDS.--

25 (a) Each board shall provide for periodic inspection,  
26 other than firesafety inspection, of each educational and  
27 ancillary plant at least once during each fiscal year to  
28 determine compliance with standards of sanitation and casualty  
29 safety prescribed in the rules of the State Board of  
30 Education.

31 (b) Firesafety inspections of each educational and

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1 ancillary plant must be made annually by persons certified by  
2 the Division of State Fire Marshal to be eligible to conduct  
3 firesafety inspections in public educational and ancillary  
4 plants. The board shall submit a copy of the firesafety  
5 inspection report to the State Fire Marshal and, if there is a  
6 local fire official who conducts firesafety inspections, to  
7 the local fire official.

8 (c) In each firesafety inspection report, the board  
9 shall include a plan of action and a schedule for the  
10 correction of each deficiency which have been formulated in  
11 consultation with the local fire control authority. If  
12 immediate life-threatening deficiencies are noted in any  
13 inspection, the board shall either take action to promptly  
14 correct the deficiencies or withdraw the educational or  
15 ancillary plant from use until such time as the deficiencies  
16 are corrected.

17 ~~(3)(2)~~ INSPECTION OF EDUCATIONAL PROPERTY BY OTHER  
18 PUBLIC AGENCIES.--

19 (a) A safety or sanitation inspection of any  
20 educational or ancillary plant may be made at any time by the  
21 Department of Education or any other state or local agency  
22 authorized or required to conduct such inspections by either  
23 general or special law. Each agency conducting inspections  
24 shall use the standards adopted by the Commissioner of  
25 Education in lieu of, and to the exclusion of, any other  
26 inspection standards prescribed either by statute or  
27 administrative rule. The agency shall submit a copy of the  
28 inspection report to the board.

29 (b) One firesafety inspection of each educational or  
30 ancillary plant must be conducted each fiscal year by the  
31 county, municipality, or special fire control district in

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1 which the plant is located using the standards adopted by the  
2 State Fire Marshal. The board shall cooperate with the  
3 inspecting authority when a firesafety inspection is made by a  
4 governmental authority under this paragraph.

5 (c) In each firesafety inspection report, the local  
6 fire official in conjunction with the board shall include a  
7 plan of action and a schedule for the correction of each  
8 deficiency. If immediate life-threatening deficiencies are  
9 noted in any inspection, the local fire official shall either  
10 take action to require the board to promptly correct the  
11 deficiencies or withdraw the educational facility from use  
12 until the deficiencies are corrected, subject to review by the  
13 State Fire Marshal who shall act within 10 days to ensure that  
14 the deficiencies are corrected or withdraw the facility from  
15 use.

16 ~~(4)(3)~~ CORRECTIVE ACTION; DEFICIENCIES OTHER THAN  
17 FIRESAFETY DEFICIENCIES.--Upon failure of the board to take  
18 corrective action within a reasonable time, the agency making  
19 the inspection, other than a local fire official, may request  
20 the commissioner to:

21 (a) Order that appropriate action be taken to correct  
22 all deficiencies in accordance with a schedule determined  
23 jointly by the inspecting authority and the board; in  
24 developing the schedule, consideration must be given to the  
25 seriousness of the deficiencies and the ability of the board  
26 to obtain the necessary funds; or

27 (b) After 30 calendar days' notice to the board, order  
28 all or a portion of the educational or ancillary plant  
29 withdrawn from use until the deficiencies are corrected.

30 ~~(5)(4)~~ INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
31 FACILITIES.--

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1        (a) Firesafety inspections of community college ~~and~~  
2 ~~university~~ facilities shall comply with State Board of  
3 Education rules.

4        (b) Firesafety inspections of state universities shall  
5 comply with rules of the Board of Governors.

6        (6)~~(5)~~ CORRECTIVE ACTION; FIRESAFETY  
7 DEFICIENCIES.--Upon failure of the board to take corrective  
8 action within the time designated in the plan of action to  
9 correct any firesafety deficiency noted under paragraph(2)  
10 ~~(1)~~(c) or paragraph(3) ~~(2)~~(c), the local fire official shall  
11 immediately report the deficiency to the State Fire Marshal,  
12 who shall have enforcement authority with respect to  
13 educational and ancillary plants and educational facilities as  
14 provided in chapter 633 for any other building or structure.

15        (7)~~(6)~~ ADDITIONAL STANDARDS.--In addition to any other  
16 rules adopted under this section or s. 633.022, the State Fire  
17 Marshal in consultation with the Department of Education shall  
18 adopt and administer rules prescribing the following standards  
19 for the safety and health of occupants of educational and  
20 ancillary plants:

21            (a) The designation of serious life-safety hazards,  
22 including, but not limited to, nonfunctional fire alarm  
23 systems, nonfunctional fire sprinkler systems, doors with  
24 padlocks or other locks or devices that preclude egress at any  
25 time, inadequate exits, hazardous electrical system  
26 conditions, potential structural failure, and storage  
27 conditions that create a fire hazard.

28            (b) The proper placement of functional smoke and heat  
29 detectors and accessible, unexpired fire extinguishers.

30            (c) The maintenance of fire doors without doorstops or  
31 wedges improperly holding them open.

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1        ~~(8)(7)~~ ANNUAL REPORT.--The State Fire Marshal shall  
2 publish an annual report to be filed with the substantive  
3 committees of the state House of Representatives and Senate  
4 having jurisdiction over education, the Commissioner of  
5 Education or his or her successor, the State Board of  
6 Education, the Board of Governors, and the Governor  
7 documenting the status of each board's firesafety program,  
8 including the improvement or lack thereof.

9            Section 168. Subsection (3) of section 1013.15,  
10 Florida Statutes, is amended to read:

11            1013.15 Lease, rental, and lease-purchase of  
12 educational facilities and sites.--

13            (3) Lease or lease-purchase agreements entered into by  
14 university boards of trustees shall comply with the provisions  
15 of ss. ~~s.~~ 1013.171 and 1010.62.

16            Section 169. Subsection (3) is added to section  
17 1013.16, Florida Statutes, to read:

18            1013.16 Construction of facilities on leased property;  
19 conditions.--

20            (3) Leases executed by a university board of trustees  
21 pursuant to this section are subject to s. 1010.62.

22            Section 170. Section 1013.17, Florida Statutes, is  
23 amended to read:

24            1013.17 University leasing in affiliated research and  
25 development park.--A university is exempt from the  
26 requirements of s. 255.25(3), (4), and (8) when leasing  
27 educational facilities in a research and development park with  
28 which the university is affiliated and when the Board of  
29 Governors ~~State Board of Education~~ certifies in writing that  
30 the leasing of such ~~said~~ educational facilities is in the best  
31 interests of the university and that the exemption from

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1 competitive bid requirements would not be detrimental to the  
2 state. Leases entered into pursuant to this section are  
3 subject to the provisions of s. 1010.62.

4 Section 171. Subsections (1) and (2) of section  
5 1013.171, Florida Statutes, are amended, and subsection (6) is  
6 added to that section, to read:

7 1013.171 University lease agreements; land,  
8 facilities.--

9 (1) Each university board of trustees is authorized to  
10 negotiate and enter into agreements to lease land under its  
11 jurisdiction to for-profit and nonprofit corporations,  
12 registered by the Secretary of State to do business in this  
13 state, for the purpose of erecting thereon facilities and  
14 accommodations necessary and desirable to serve the needs and  
15 purposes of the university, as determined by the systemwide  
16 strategic plan adopted by the Board of Governors ~~State Board~~  
17 ~~of Education~~. Such agreement will be for a term not in excess  
18 of 99 years or the life expectancy of the permanent facilities  
19 constructed thereon, whichever is shorter, and shall include  
20 as a part of the consideration provisions for the eventual  
21 ownership of the completed facilities by the state. The Board  
22 of Trustees of the Internal Improvement Trust Fund upon  
23 request of the university board of trustees shall lease any  
24 such property to the university for sublease as heretofore  
25 provided.

26 (2) Each university board of trustees is authorized to  
27 enter into agreements with for-profit and nonprofit  
28 corporations, registered by the Secretary of State to do  
29 business in this state, whereby income-producing buildings,  
30 improvements, and facilities necessary and desirable to serve  
31 the needs and purposes of the university, as determined by the

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1 systemwide strategic plan adopted by the Board of Governors  
 2 ~~State Board of Education~~, are acquired by purchase or  
 3 lease-purchase by the university. When such agreements provide  
 4 for lease-purchase of facilities erected on land that is not  
 5 under the jurisdiction of the university, the agreement shall  
 6 include as a part of the consideration provisions for the  
 7 eventual ownership of the land and facility by the state.  
 8 Agreements for lease-purchase shall not exceed 30 years or the  
 9 life expectancy of the permanent facility constructed,  
 10 whichever is shorter. ~~Notwithstanding the provisions of any~~  
 11 ~~other law~~, The university board of trustees may enter into an  
 12 agreement for the lease-purchase of a facility under this  
 13 section for a term greater than 1 year. Each university board  
 14 of trustees is authorized to use any auxiliary trust funds,  
 15 available and not otherwise obligated, to pay rent to the  
 16 owner should income from the facilities not be sufficient in  
 17 any debt payment period. The trust funds used for payment of  
 18 rent shall be reimbursed as soon as possible to the extent  
 19 that income from the facilities exceeds the amount necessary  
 20 for such debt payment.

21 (6) Agreements entered into pursuant to this section  
 22 are subject to the provisions of s. 1010.62.

23 Section 172. Section 1013.19, Florida Statutes, is  
 24 amended to read:

25 1013.19 Purchase, conveyance, or encumbrance of  
 26 property interests above surface of land; joint-occupancy  
 27 structures.--For the purpose of implementing jointly financed  
 28 construction project agreements, or for the construction of  
 29 combined occupancy structures, any board may purchase, own,  
 30 convey, sell, lease, or encumber airspace or any other  
 31 interests in property above the surface of the land, provided

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1 the lease of airspace for nonpublic use is for such reasonable  
2 rent, length of term, and conditions as the board in its  
3 discretion may determine. All proceeds from such sale or lease  
4 shall be used by the board or boards receiving the proceeds  
5 solely for fixed capital outlay purposes. These purposes may  
6 include the renovation or remodeling of existing facilities  
7 owned by the board or the construction of new facilities;  
8 however, for a community college board or university board,  
9 such new facility must be authorized by the Legislature. It is  
10 declared that the use of such rental by the board for public  
11 purposes in accordance with its statutory authority is a  
12 public use. Airspace or any other interest in property held by  
13 the Board of Trustees of the Internal Improvement Trust Fund  
14 or the State Board of Education may not be divested or  
15 conveyed without approval of the respective board. Any  
16 building, including any building or facility component that is  
17 common to both nonpublic and educational portions thereof,  
18 constructed in airspace that is sold or leased for nonpublic  
19 use pursuant to this section is subject to all applicable  
20 state, county, and municipal regulations pertaining to land  
21 use, zoning, construction of buildings, fire protection,  
22 health, and safety to the same extent and in the same manner  
23 as such regulations would be applicable to the construction of  
24 a building for nonpublic use on the appurtenant land beneath  
25 the subject airspace. Any educational facility constructed or  
26 leased as a part of a joint-occupancy facility is subject to  
27 all rules and requirements of the respective boards or  
28 departments having jurisdiction over educational facilities.  
29 Any contract executed by a university board of trustees  
30 pursuant to this section is subject to the provisions of s.  
31 1010.62.



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1           Section 173. Section 1013.25, Florida Statutes, is  
2 amended to read:

3           1013.25 When university or community college board of  
4 trustees may exercise power of eminent domain.--Whenever it  
5 becomes necessary for the welfare and convenience of any of  
6 its institutions or divisions to acquire private property for  
7 the use of such institutions, and this cannot be acquired by  
8 agreement satisfactory to a university or community college  
9 board of trustees and the parties interested in, or the owners  
10 of, the private property, the board of trustees may exercise  
11 the power of eminent domain after receiving approval therefor  
12 from the Administration Commission ~~State Board of Education~~  
13 and may then proceed to condemn the property in the manner  
14 provided by chapter 73 or chapter 74.

15           Section 174. Section 1013.28, Florida Statutes, is  
16 amended to read:

17           1013.28 Disposal of property.--

18           (1) REAL PROPERTY.--

19           (a) Subject to rules of the State Board of Education,  
20 a district school board, the Board of Trustees for the Florida  
21 School for the Deaf and the Blind, or a community college  
22 board of trustees may dispose of any land or real property to  
23 which the board holds title which ~~that~~ is, by resolution of  
24 the board, determined to be unnecessary for educational  
25 purposes as recommended in an educational plant survey. A  
26 district school board, the Board of Trustees for the Florida  
27 School for the Deaf and the Blind, or a community college  
28 board of trustees shall take diligent measures to dispose of  
29 educational property only in the best interests of the public.  
30 However, appraisals may be obtained by the district school  
31 board, the Board of Trustees for the Florida School for the

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1 Deaf and the Blind, or the community college board of trustees  
2 prior to or simultaneously with the receipt of bids.

3 (b) Subject to rules of the Board of Governors, a  
4 state university board of trustees may dispose of any land or  
5 real property to which it holds valid title which is, by  
6 resolution of the state university board of trustees,  
7 determined to be unnecessary for educational purposes as  
8 recommended in an educational plant survey. A state university  
9 board of trustees shall take diligent measures to dispose of  
10 educational property only in the best interests of the public.  
11 However, appraisals may be obtained by the state university  
12 board of trustees prior to or simultaneously with the receipt  
13 of bids.

14 (2) TANGIBLE PERSONAL PROPERTY.--

15 (a) Tangible personal property ~~that~~ ~~which~~ has been  
16 properly classified as surplus by a district school board or  
17 community college board of trustees shall be disposed of in  
18 accordance with the procedure established by chapter 274 ~~and~~  
19 ~~by a university board of trustees by chapter 273.~~ However, the  
20 provisions of chapter 274 shall not be applicable to a motor  
21 vehicle used in driver education to which title is obtained  
22 for a token amount from an automobile dealer or manufacturer.  
23 In such cases, the disposal of the vehicle shall be as  
24 prescribed in the contractual agreement between the automotive  
25 agency or manufacturer and the board.

26 (b) Tangible personal property that has been properly  
27 classified as surplus by a state university board of trustees  
28 shall be disposed of in accordance with the procedure  
29 established by chapter 273.

30 Section 175. Section 1013.31, Florida Statutes, is  
31 amended to read:

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1           1013.31 Educational plant survey; localized need  
2 assessment; PECO project funding.--

3           (1) At least every 5 years, each board shall arrange  
4 for an educational plant survey, to aid in formulating plans  
5 for housing the educational program and student population,  
6 faculty, administrators, staff, and auxiliary and ancillary  
7 services of the district or campus, including consideration of  
8 the local comprehensive plan. The Department of Education  
9 ~~Office of Workforce and Economic Development~~ shall document  
10 the need for additional career and adult education programs  
11 and the continuation of existing programs before facility  
12 construction or renovation related to career or adult  
13 education may be included in the educational plant survey of a  
14 school district or community college that delivers career or  
15 adult education programs. Information used by the Department  
16 of Education ~~Office of Workforce and Economic Development~~ to  
17 establish facility needs must include, but need not be limited  
18 to, labor market data, needs analysis, and information  
19 submitted by the school district or community college.

20           (a) Survey preparation and required data.--Each survey  
21 shall be conducted by the board or an agency employed by the  
22 board. Surveys shall be reviewed and approved by the board,  
23 and a file copy shall be submitted to the Department of  
24 Education ~~Office of Educational Facilities and SMART Schools~~  
25 ~~Clearinghouse within the Office of the Commissioner of~~  
26 ~~Education~~. The survey report shall include at least an  
27 inventory of existing educational and ancillary plants,  
28 including safe access facilities; recommendations for existing  
29 educational and ancillary plants; recommendations for new  
30 educational or ancillary plants, including the general  
31 location of each in coordination with the land use plan and

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1 safe access facilities; campus master plan update and detail  
2 for community colleges; the utilization of school plants based  
3 on an extended school day or year-round operation; and such  
4 other information as may be required by the Department of  
5 Education ~~rules of the State Board of Education~~. This report  
6 may be amended, if conditions warrant, at the request of the  
7 department ~~board~~ or commissioner.

8 (b) Required need assessment criteria for district,  
9 community college, ~~college and~~ state university, and Florida  
10 School for the Deaf and the Blind plant surveys.--Educational  
11 plant surveys must use uniform data sources and criteria  
12 specified in this paragraph. Each revised educational plant  
13 survey and each new educational plant survey supersedes  
14 previous surveys.

15 1. The school district's survey must be submitted as a  
16 part of the district educational facilities plan defined in s.  
17 1013.35. To ensure that the data reported to the Department of  
18 Education as required by this section is correct, the  
19 department shall annually conduct an onsite review of 5  
20 percent of the facilities reported for each school district  
21 completing a new survey that year. If the department's review  
22 finds the data reported by a district is less than 95 percent  
23 accurate, within 1 year from the time of notification by the  
24 department the district must submit revised reports correcting  
25 its data. If a district fails to correct its reports, the  
26 commissioner may direct that future fixed capital outlay funds  
27 be withheld until such time as the district has corrected its  
28 reports so that they are not less than 95 percent accurate.

29 2. Each survey of a special facility, joint-use  
30 facility, or cooperative career education facility must be  
31 based on capital outlay full-time equivalent student

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1 enrollment data prepared by the department for school  
2 districts, community colleges, ~~colleges~~, and universities. A  
3 survey of space needs of a joint-use facility shall be based  
4 upon the respective space needs of the school districts,  
5 community colleges, ~~colleges~~, and universities, as  
6 appropriate. Projections of a school district's facility space  
7 needs may not exceed the norm space and occupant design  
8 criteria established by the State Requirements for Educational  
9 Facilities.

10         3. Each community college's survey must reflect the  
11 capacity of existing facilities as specified in the inventory  
12 maintained by the Department of Education. Projections of  
13 facility space needs must comply with standards for  
14 determining space needs as specified by rule of the State  
15 Board of Education. The 5-year projection of capital outlay  
16 student enrollment must be consistent with the annual report  
17 of capital outlay full-time student enrollment prepared by the  
18 Department of Education.

19         4. Each ~~college and~~ state university's survey must  
20 reflect the capacity of existing facilities as specified in  
21 the inventory maintained and validated by the Department of  
22 Education ~~Division of Colleges and Universities~~. Projections  
23 of facility space needs must be consistent with standards for  
24 determining space needs as specified by rule of ~~approved by~~  
25 the Board of Governors ~~Division of Colleges and Universities~~.  
26 The projected capital outlay full-time equivalent student  
27 enrollment must be consistent with the 5-year planned  
28 enrollment cycle for the State University System approved by  
29 the Board of Governors ~~Division of Colleges and Universities~~.

30         5. The district educational facilities plan of a  
31 school district and the educational plant survey of a

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1 community college, ~~college or~~ state university, or the Florida  
2 School for the Deaf and the Blind may include space needs that  
3 deviate from approved standards for determining space needs if  
4 the deviation is justified by the district or institution and  
5 approved by the department, as necessary for the delivery of  
6 an approved educational program.

7 (c) Review and validation.--The Department of  
8 Education ~~Office of Educational Facilities and SMART Schools~~  
9 ~~Clearinghouse~~ shall review and validate the surveys of school  
10 districts, community colleges, ~~and colleges~~ and universities,  
11 and any amendments thereto for compliance with the  
12 requirements of this chapter and shall recommend those in  
13 compliance for approval by the State Board of Education or the  
14 Board of Governors, as appropriate. Annually, the department  
15 shall perform an in-depth analysis of a representative sample  
16 of each survey of recommended needs for five districts  
17 selected by the commissioner from among districts with the  
18 largest need-to-revenue ratio. For the purpose of this  
19 subsection, the need-to-revenue ratio is determined by  
20 dividing the total 5-year cost of projects listed on the  
21 district survey by the total 5-year fixed capital outlay  
22 revenue projections from state and local sources as determined  
23 by the department. The commissioner may direct fixed capital  
24 outlay funds to be withheld from districts until such time as  
25 the survey accurately projects facilities needs.

26 (d) Periodic update of Florida Inventory of School  
27 Houses.--School districts shall periodically update their  
28 inventory of educational facilities as new capacity becomes  
29 available and as unsatisfactory space is eliminated. The State  
30 Board of Education shall adopt rules to determine the time  
31 frame in which districts must provide a periodic update.

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1           (2) Only the district school superintendent, community  
2 college president, or the university president shall certify  
3 to the Department of Education ~~Office of Educational~~  
4 ~~Facilities and SMART Schools Clearinghouse~~ a project's  
5 compliance with the requirements for expenditure of PECO funds  
6 prior to release of funds.

7           (a) Upon request for release of PECO funds for  
8 planning purposes, certification must be made to the  
9 Department of Education ~~Office of Educational Facilities and~~  
10 ~~SMART Schools Clearinghouse~~ that the need for and location of  
11 the facility are in compliance with the board-approved survey  
12 recommendations, that the project meets the definition of a  
13 PECO project and the limiting criteria for expenditures of  
14 PECO funding, and that the plan is consistent with the local  
15 government comprehensive plan.

16           (b) Upon request for release of construction funds,  
17 certification must be made to the Department of Education  
18 ~~Office of Educational Facilities and SMART Schools~~  
19 ~~Clearinghouse~~ that the need and location of the facility are  
20 in compliance with the board-approved survey recommendations,  
21 that the project meets the definition of a PECO project and  
22 the limiting criteria for expenditures of PECO funding, and  
23 that the construction documents meet the requirements of the  
24 Florida Building Code for educational facilities construction  
25 or other applicable codes as authorized in this chapter.

26           Section 176. Subsection (2) of section 1013.46,  
27 Florida Statutes, is amended to read:

28           1013.46 Advertising and awarding contracts;  
29 prequalification of contractor.--

30           (2) Boards shall prequalify bidders for construction  
31 contracts ~~according to rules prescribed by the State Board of~~

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1 ~~Education which require the prequalification of bidders of~~  
2 ~~educational facilities construction.~~ Boards shall require that  
3 all construction or capital improvement bids be accompanied by  
4 evidence that the bidder holds an appropriate certificate or  
5 license or that the prime contractor has a current valid  
6 license.

7 Section 177. Section 1013.47, Florida Statutes, is  
8 amended to read:

9 1013.47 Substance of contract; contractors to give  
10 bond; penalties.--Each board shall develop contracts  
11 consistent with this chapter and statutes governing public  
12 facilities. Such a contract must contain the drawings and  
13 specifications of the work to be done and the material to be  
14 furnished, the time limit in which the construction is to be  
15 completed, the time and method by which payments are to be  
16 made upon the contract, and the penalty to be paid by the  
17 contractor for any failure to comply with the terms of the  
18 contract. The board may require the contractor to pay a  
19 penalty for any failure to comply with the terms of the  
20 contract and may provide an incentive for early completion.  
21 Upon accepting a satisfactory bid, the board shall enter into  
22 a contract with the party or parties whose bid has been  
23 accepted. The contractor shall furnish the board with a  
24 performance and payment bond as set forth in s. 255.05. A  
25 board or other public entity may not require a contractor to  
26 secure a surety bond under s. 255.05 from a specific agent or  
27 bonding company. Notwithstanding any other provision of this  
28 section, if 25 percent or more of the costs of any  
29 construction project is paid out of a trust fund established  
30 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics  
31 employed by contractors or subcontractors on such construction



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1 will be paid wages not less than those prevailing on similar  
2 construction projects in the locality, as determined by the  
3 Secretary of Labor in accordance with the Davis-Bacon Act, as  
4 amended. A person, firm, or corporation that constructs any  
5 part of any educational plant, or addition thereto, on the  
6 basis of any unapproved plans or in violation of any plans  
7 approved in accordance with the provisions of this chapter and  
8 rules of the State Board of Education or the Board of  
9 Governors relating to building standards or specifications is  
10 subject to forfeiture of bond and unpaid compensation in an  
11 amount sufficient to reimburse the board for any costs that  
12 will need to be incurred in making any changes necessary to  
13 assure that all requirements are met and is also guilty of a  
14 misdemeanor of the second degree, punishable as provided in s.  
15 775.082 or s. 775.083, for each separate violation.

16 Section 178. Paragraphs (a), (c), and (d) of  
17 subsection (1) and subsections (2) and (3) of section 1013.52,  
18 Florida Statutes, are amended to read:

19 1013.52 Cooperative development and joint use of  
20 facilities by two or more boards.--

21 (1) Two or more boards, including district school  
22 boards, community college boards of trustees, the Board of  
23 Trustees for the Florida School for the Deaf and the Blind,  
24 and university boards of trustees, desiring to cooperatively  
25 establish a common educational facility to accommodate  
26 students shall:

27 (a) Jointly request a formal assessment by the  
28 Commissioner of Education or the Chancellor of the State  
29 University System, as appropriate, of the academic program  
30 need and the need to build new joint-use facilities to house  
31 approved programs. Completion of the assessment and approval

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1 of the project by the State Board of Education, the Board of  
2 Governors, the Chancellor of the State University System, or  
3 the Commissioner of Education, as appropriate, should be done  
4 prior to conducting an educational facilities survey.

5 (c) Adopt and submit to the Commissioner of Education,  
6 and the Chancellor of the State University System if the joint  
7 request involves a state university, a joint resolution of the  
8 participating boards indicating their commitment to the  
9 utilization of the requested facility and designating the  
10 locale of the proposed facility. The joint resolution shall  
11 contain a statement of determination by the participating  
12 boards that alternate options, including the use of leased,  
13 rented, or borrowed space, were considered and found less  
14 appropriate than construction of the proposed facility. The  
15 joint resolution shall contain assurance that the development  
16 of the proposed facility has been examined in conjunction with  
17 the programs offered by neighboring public educational  
18 facilities offering instruction at the same level. The joint  
19 resolution also shall contain assurance that each  
20 participating board shall provide for continuity of  
21 educational progression. All joint resolutions shall be  
22 submitted to the Chancellor of the State University System if  
23 the joint request involves a state university, ~~commissioner~~ by  
24 August 1 for consideration of funding by the subsequent  
25 Legislature.

26 (d) Submit requests for funding of joint-use  
27 facilities projects involving state universities and community  
28 colleges for approval by the Commissioner of Education and the  
29 Chancellor of the State University System. The Commissioner of  
30 Education and the Chancellor of the State University System  
31 shall jointly determine the priority for funding these

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1 projects in relation to the priority of all other capital  
2 outlay projects under their consideration. To be eligible for  
3 funding from the Public Education Capital Outlay and Debt  
4 Service Trust Fund under the provisions of this section,  
5 projects involving both state universities and community  
6 colleges shall appear on the 3-year capital outlay priority  
7 lists of community colleges and of universities required by s.  
8 1013.64. Projects involving a state university, community  
9 college, and a public school, and in which the larger share of  
10 the proposed facility is for the use of the state university  
11 or the community college, shall appear on the 3-year capital  
12 outlay priority lists of the community colleges or of the  
13 universities, as applicable.

14 (2) An educational plant survey must be conducted  
15 within 90 days after submission of the joint resolution and  
16 substantiating data describing the benefits to be obtained,  
17 the programs to be offered, and the estimated cost of the  
18 proposed project. Upon completion of the educational plant  
19 survey, the participating boards may include the recommended  
20 projects in their plan as provided in s. 1013.31. Upon  
21 approval of the project by the commissioner or the Chancellor  
22 of the State University System, as appropriate, 25 percent of  
23 the total cost of the project, or the pro rata share based on  
24 space utilization of 25 percent of the cost, must be included  
25 in the department's legislative capital outlay budget request  
26 as provided in s. 1013.60 for educational plants. The  
27 participating boards must include in their joint resolution a  
28 commitment to finance the remaining funds necessary to  
29 complete the planning, construction, and equipping of the  
30 facility. Funds from the Public Education Capital Outlay and  
31 Debt Service Trust Fund may not be expended on any project

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1 unless specifically authorized by the Legislature.

2 (3) Included in all proposals for joint-use facilities  
3 must be documentation that the proposed new campus or new  
4 joint-use facility has been reviewed by the State Board of  
5 Education or the Board of Governors, as appropriate, and has  
6 been formally requested for authorization by the Legislature.

7 Section 179. Subsection (2) of section 1013.60,  
8 Florida Statutes, is amended to read:

9 1013.60 Legislative capital outlay budget request.--

10 (2) The commissioner shall submit to the Governor and  
11 to the Legislature an integrated, comprehensive budget request  
12 for educational facilities construction and fixed capital  
13 outlay needs for school districts, community colleges, and  
14 universities, pursuant to the provisions of s. 1013.64 and  
15 applicable provisions of chapter 216. Each community college  
16 board of trustees and each university board of trustees shall  
17 submit to the commissioner a 3-year plan and data required in  
18 the development of the annual capital outlay budget. The  
19 information submitted by a university board of trustees must  
20 be approved by the Board of Governors prior to submission to  
21 the Commissioner of Education. No further disbursements shall  
22 be made from the Public Education Capital Outlay and Debt  
23 Service Trust Fund to a board of trustees that fails to timely  
24 submit the required data until such board of trustees submits  
25 the data.

26 Section 180. Paragraph (a) of subsection (4) of  
27 section 1013.64, Florida Statutes, is amended to read:

28 1013.64 Funds for comprehensive educational plant  
29 needs; construction cost maximums for school district capital  
30 projects.--Allocations from the Public Education Capital  
31 Outlay and Debt Service Trust Fund to the various boards for

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1 capital outlay projects shall be determined as follows:

2           (4)(a) Community college boards of trustees and

3 university boards of trustees shall receive funds for projects

4 based on a 3-year priority list, to be updated annually, which

5 is submitted to the Legislature in the legislative budget

6 request at least 90 days prior to the legislative session. The

7 State Board of Education shall submit a 3-year priority list

8 for community colleges and a 3-year priority list for

9 universities. The lists shall reflect decisions by the State

10 Board of Education for community colleges and the Board of

11 Governors for state universities concerning program priorities

12 that implement the statewide plan for program growth and

13 quality improvement in education. No remodeling or renovation

14 project shall be included on the 3-year priority list unless

15 the project has been recommended pursuant to s. 1013.31 or is

16 for the purpose of correcting health and safety deficiencies.

17 No new construction project shall be included on the first

18 year of the 3-year priority list unless the educational

19 specifications have been approved by the commissioner for a

20 community college project or by the Board of Governors for a

21 university project, as applicable. The funds requested for a

22 new construction project in the first year of the 3-year

23 priority list shall be in conformance with the scope of the

24 project as defined in the educational specifications. Any new

25 construction project requested in the first year of the 3-year

26 priority list which is not funded by the Legislature shall be

27 carried forward to be listed first in developing the updated

28 3-year priority list for the subsequent year's capital outlay

29 budget. Should the order of the priority of the projects

30 change from year to year, a justification for such change

31 shall be included with the updated priority list.

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Section 181. Subsection (1) of section 1013.65,  
Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction  
funds; Public Education Capital Outlay and Debt Service Trust  
Fund; allocation of funds.--

(1) The commissioner, through the department, shall  
administer the Public Education Capital Outlay and Debt  
Service Trust Fund. The commissioner shall allocate or  
reallocate funds as authorized by the Legislature. Copies of  
each allocation or reallocation shall be provided to members  
of the State Board of Education and the Board of Governors and  
to the chairs of the House of Representatives and Senate  
appropriations committees. The commissioner shall provide for  
timely encumbrances of funds for duly authorized projects.  
Encumbrances may include proceeds to be received under a  
resolution approved by the State Board of Education  
authorizing the issuance of public education capital outlay  
bonds pursuant to s. 9(a)(2), Art. XII of the State  
Constitution, s. 215.61, and other applicable law. The  
commissioner shall provide for the timely disbursement of  
moneys necessary to meet the encumbrance authorizations of the  
boards. Records shall be maintained by the department to  
identify legislative appropriations, allocations, encumbrance  
authorizations, disbursements, transfers, investments, sinking  
funds, and revenue receipts by source. The Department of  
Education shall pay the administrative costs of the Public  
Education Capital Outlay and Debt Service Trust Fund from the  
funds which comprise the trust fund.

Section 182. Paragraph (c) of subsection (2) and  
subsection (3) of section 1013.74, Florida Statutes, are  
amended, and subsection (5) is added to that section, to read:

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1           1013.74 University authorization for fixed capital  
2 outlay projects.--

3           (2) The following types of projects may be  
4 accomplished pursuant to this section:

5           (c) Construction of projects financed as provided in  
6 s. 1010.62 ~~ss. 1010.60-1010.619~~ or s. 1013.71;

7           (3) Other than those projects currently authorized, no  
8 project proposed by a university which is to be funded from  
9 Capital Improvement Trust Fund fees or building fees shall be  
10 submitted to the Board of Governors ~~State Board of Education~~  
11 for approval without prior consultation with the student  
12 government association of that university. The Board of  
13 Governors may adopt ~~State Board of Education shall promulgate~~  
14 rules which are consistent with this requirement.

15           (5) Projects accomplished pursuant to this section are  
16 subject to the requirements of s. 1010.62.

17           Section 183. Subsection (2) of section 1013.78,  
18 Florida Statutes, is amended to read:

19           1013.78 Approval required for certain  
20 university-related facility acquisitions.--

21           (2) Legislative approval shall not be required for  
22 renovations, remodeling, replacement of existing facilities,  
23 or construction of minor projects as defined in s. 1013.64,  
24 except to the extent required pursuant to s. 1010.62.

25           Section 184. Sections 186.805 and 1004.54, Florida  
26 Statutes, are repealed. It is the intent of the Legislature  
27 that the repeal of ss. 186.805 and 1004.54, Florida Statutes,  
28 by this act is to remove existing statutory authorization that  
29 is no longer necessary for the establishment, operation, or  
30 maintenance of the entities that were established, operated,  
31 or regulated under those provisions and does not affect the

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1 authority of a state university or the Board of Governors of  
 2 the State University System under s. 7, Art. IX of the State  
 3 Constitution and s. 1001.705, Florida Statutes, to continue  
 4 such entities and their operation and regulation in accordance  
 5 with that authority.

6           Section 185. Sections 741.03055, 741.03056, 1001.75,  
 7 1007.261, 1007.31, 1007.32, 1008.51, 1011.4105, 1012.92,  
 8 1012.94, and 1012.95, Florida Statutes, are repealed.

9           Section 186. This act shall take effect July 1, 2007.

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